

भारत का राजपत्र The Gazette of India

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

कार्मिक, लोक निकाय तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

आदेश

नई दिल्ली, 28 दिसम्बर, 1995

का. शा. 120.—केन्द्रीय सरकार एतद्वारा दिल्ली
विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधि-
नियम सं. 25) की धारा 6 के साथ पठित धारा 5 की
उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए
पश्चिम बंगाल सरकार के गृह विभाग (गवर्नरीटि) की अधि-
सूचना सं. 9660-पी दिनांक 27-12-95 द्वारा प्राप्त पश्चिम
बंगाल सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना
के सदस्यों की शक्तियों और अधिकारिता का विस्तारण, शाना
हालदा, पश्चिम बंगाल में रजिस्टर एफ़आईआर सं.
152/95 दिनांक 18-12-95 के संबंध में भारतीय दंड संहिता,
1860 (1860 का अधिनियम सं. 45) की धारा 121,
121-ए, 122, 123 और आयुध अधिनियम (1959 का
अधिनियम सं. 54) की धारा 25/27 के अश्वीन दंडनीय
अपराधों तथा उन्हीं तथ्यों से उद्भूत बौले ही संव्यवहार के
अनुक्रम में किए गए उक्त अपराधों और किसी अन्य अपराध

से संबंधित और संसक्त प्रयत्नों, दुष्प्रयत्नों तथा षड्यंत्रों के
अन्वेषण के लिए सम्पूर्ण पश्चिम बंगाल राज्य पर करती है।

[सं. 228/80/95-ए.वी.सी.-II]

एस. सौंदर राजन, अवसर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES &
PENSIONS

(Department of Personnel & Training)

ORDER

New Delhi, the 28th December, 1995

S.O. 120.—In exercise of the powers conferred by sub-
section (1) of section 5 read with section 6 of the Delhi
Special Police Establishment Act, 1946 (Act No. 25 of 1946),
the Central Government with the consent of the Government
of West Bengal, vide Home Deptt. (Political) Notification
No. 9660-P dated 27-12-95 hereby extends the powers and
jurisdiction of the members of the Delhi Special Police Estab-
lishment to the whole of the State of West Bengal for the
investigation of the offences punishable under section 121,
121-A, 122, 123 of Indian Penal Code, 1860 (Act No. 45
of 1860) and Sections 25/27 of Arms Act (Act No. 54 of
1959) and any attempts, abetments and conspiracies in rela-
tion to or in connection with the said offences and any other
offences committed in the course of the same transaction
arising out of the same fact or facts with regard to FIR
No. 152/95 dated 18-12-1995 registered at Police Station,
Jhalda, West Bengal.

[No. 228/80/95-AVD-III]

S. SOUNDAR RAJAN, Under Secy.

आदेश

नई दिल्ली, 1 जनवरी, 1996

का.आ. 121.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पुलिस थाना डबवाली शहर, जिला सिरसा (हरियाणा राज्य) में दर्ज एफ आई आर संख्या 397/1995 दिनांक 23-12-95 के संबंध में धारा 304-ए भारतीय दंड संहिता के अन्तर्गत दंडनीय अपराध और उक्त अपराधों और उन्हीं तथ्यों से उत्पन्न होने वाले वैसे ही संयवहार के अनुक्रम में किए गए किन्हीं अन्य अपराधों के संबंध में या उनसे संशक्त प्रयत्नों, दुष्प्रेरणों और षड्यंत्रों के अन्वेषण के लिए हरियाणा सरकार के आदेश संख्या 20/17/95-3 एच जी आई दिनांक 27-12-95 के तहत हरियाणा सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकांशता का विस्तारण संपूर्ण हरियाणा राज्य पर करती है।

[संख्या 228/81/95-ए. वी. डी.-II]

एस. सोदर राजन, अवर सचिव

ORDER

New Delhi, the 1st January, 1996

S.O. 121.—In exercise of the powers conferred by Sub-Section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act 25 of 1946), the Central Government with the consent of the Government of Haryana conveyed vide Government of Haryana, Home Department Order No. 20/17/95-3 HGI dated 27th December, 1995 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Haryana for the investigation of offences punishable under sections 304-A Indian Penal Code and any attempts, abetments and conspiracies in relation to or in connection with the said offences and any other offences committed in the course of the same transaction or arising out of the same fact or facts in regard to case FIR No. 397/1995 dt. 23-12-95 registered at Police Station—City Dabwali, (Distt. Sirsa) in the State of Haryana.

[No. 228/81/95-AVD.III]

S. SOUNDAR RAJAN, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 8 जनवरी, 1996

का. आ. 122.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम,

1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश का. सं. 673/100/90-सी. शु. 8 दिनांक 19-4-1990 को यह निदेश जारी किया था कि श्री किशोर वशी मिरचन्दानी, ए-5, प्रेम नगर, 703, लिंकिंग रोड, खेर, बम्बई को निहद्ध कर लिया जाए और केन्द्रीय कारागार, बम्बई में अभिरक्षा में रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल किसी भी तरह के कार्य करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है, जिसमें उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अथ केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासनीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, बम्बई के समक्ष हाजिर हों।

[का. सं. 673/100/90-सी. शु. 8]

रूप चन्द, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 8th January, 1996

S.O. 122.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/100/90-Cus. VIII dated 19-4-1990 under the said sub-section directing that Shri Kishore Vashi Mirchandani, A-5, Prem Sagar, 703, Linking Road, Khar, Bombay be detained and kept in custody in the Central Prison Bombay with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay, Maharashtra within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/100/90-Cus.VIII]
ROOP CHAND, Under Secy.

आदेश

नई दिल्ली, 8 जनवरी, 1996

का.आ. 123.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम,

1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश फा. सं. 673/65/85—सी. गु. 8 दिनांक 12-7-1985 को यह निर्देश जारी किया था कि श्री किरण ब्रजलाल पारिख, एतद् श्री भास्कर भानुवदान शाह 111, बृज कुटीर, नेपन सी रोड, पेटिट हाल के पास, बम्बई-26 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, बम्बई से अभिरक्षा में रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल कार्य करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, बम्बई के समक्ष हाजिर हों।

[फा. सं. 673/65/85—सी. गु.—8]

रूप चन्द, अवर सचिव

ORDER

New Delhi, the 8th January, 1996

S.O. 123.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (32 of 1974) issued order F. No. 673/65/85-Cus. VIII dated 12-7-1985 under the said sub-section directing that Shri Kiran Vrajlal Parikh C/o Shri Bhaskar Bhanuvadan Shah, 111, Brij Kutir, Nepean Sea Road, Near Petit Hall, Bombay-26 be detained and kept in custody in the Central Prison Bombay with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/65/85-Cus.VIII]
ROOP CHAND, Under Secy.

आदेश

नई दिल्ली, 8 जनवरी, 1996

का.ग्रा. 124.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश फा. सं. 673/325/91—सी. गु. 8 दिनांक 12-7-1991 को यह निर्देश जारी किया था कि श्री मूसा मोहम्मद सेख 1/बी/8, शिवाजी नगर, गोविन्दी, बम्बई को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, बम्बई में अभिरक्षा में

रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल किसी भी तरह के कार्य करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, बम्बई के समक्ष हाजिर हों।

[फा. सं. 673/325/91—सी. गु.—8]

रूप चन्द, अवर सचिव

ORDER

New Delhi, the 8th January, 1996

S.O. 124.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (32 of 1974) issued order F. No. 673/325/91-Cus. VIII dated 12-7-1991 under the said sub-section directing that Shri Moosa Mohd. Shaikh 1/G/8, Shivaji Nagar Govindi, Bombay be detained and kept in custody in the Central Prison Bombay with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay Maharashtra within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/325/91-Cus.VIII]
ROOP CHAND, Under Secy.

आदेश

नई दिल्ली, 8 जनवरी, 1996

का.ग्रा. 125.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश फा. सं. 673/150/89—सी. गु. 8 दिनांक 5-4-1989 को यह निर्देश जारी किया था कि श्री देवेन्द्र कुमार सैनी उर्फ कुकु सैनी सुपुत्र श्री गुरुबचन सिंह सैनी, एन.ए.—212, मोहल्ला किशनपुरा, जालन्धर सिटी (पंजाब) को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, जालन्धर में अभिरक्षा में रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल कार्य करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके,

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के तहत (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, जालन्धर के समक्ष हजरि हों।

[फा.सं. 673/150/89-सो. शु.-8]

रूप चन्द, अवर सचिव

ORDER

New Delhi, the 8th January, 1996

S.O. 125.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/150/89-Cus. VIII dated 5-4-1989 under the said sub-section directing that Shri Devinder Kumar Saini (w Kuku Saini S/o Shri Gurbachan Singh Saini, NA-212, Mohalla Kishanpura, Jalandhar City (Punjab) be detained and kept in custody in the Central Prison Jalandhar (Pb.) with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Jalandhar (Punjab) within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/150/89-Cus.VIII]
ROOP CHAND, Under Secy.

विदेश मंत्रालय

नई दिल्ली, 28 दिसम्बर, 1995

का.आ. 126.—राजनयिक कौंसली अधिकारी (शपथ एवम शुल्क) अधिनियम, 1948 (1948 का 41 वां) की धारा 2 के

भारतीय मानक ब्यूरो

नई दिल्ली, 21 दिसम्बर, 1995

का.आ. 128.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 9 के उपनियम (1) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये भारतीय मानकों सम्बन्धी मानक मुहर के डिजाइन निर्धारित कर दिये गये हैं :

अंश (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का प्रधान कौंसलर जेदाह में सहायक श्री राजकुमार को 21 दिसम्बर, 1995 कोसली एजेंट का कार्य करने के लिए प्रतिष्ठित करता है।

[सं० टी-4330/1/95]

प्रताप सिंह, अवर सचिव
(पी.वी.एस.)

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 28th December, 1995

S.O. 126.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri Raj Kumar, Assistant in the Consulate General of India, Jeddah to perform the duties of Consular Agent with effect from 21-12-1995.

[No. T-4330/1/95]

PRATAP SINGH, Under Secy. (Consular)

नागरिक पूर्ति, उपभोक्ता शान्ति और

सार्वजनिक वितरण मंत्रालय

नई दिल्ली, 12 दिसम्बर, 1995

का.आ. 127.—अध्यक्ष सचिव (वित्तियन) अधिनियम, 1952 की धारा 3 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा 5 अक्टूबर की समस्त शक्तियों के अन्तर्गत् में केन्द्रीय सरकार एतद्वारा श्री एस. हबीबुल्ला, भारतीय प्रशासनिक सेवा (महाराष्ट्र: 66) को वायदा बाजार आयोग, बम्बई के अध्यक्ष के रूप में 4 अक्टूबर, 1995 तक के कार्यकाल को नियमित करता है।

[मिलित सं.ए-12011/2/95-प्रशा. II]

आर. के. सिंह, अवर सचिव

MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

New Delhi, the 12th December, 1995

S.O. 127.—In exercise of the powers conferred by Sub-section (2) of Section 3 of the Forward Contracts (Regulation) Act, 1952, and in continuation of Notification of even number dated 5th October, the Central Government hereby regularises the tenure of Shri S. Habeebullah, IAS (MH: 66) upto 4th October, 1995 as Chairman, Forward Markets Commission, Bombay.

[File No. A-12011/2/95-Estt.II]
R. K. SINGH, Under Secy.

अनुसूची

क्र.सं. मानक मुहर का डिजाइन	उत्पाद/उत्पाद की श्रेणी	भारतीय मानक की सं. और वर्ष	लागू होने की तिथि
(1)	(2)	(3)	(4)
1. IS : 3148	सरकवां फास्टनर्स	आई एस 3148 : 1991	95-11-13
2. IS : 5348	स्टैपल	आई एस 5348 : 1981	95-05-31
3. IS : 5507	50 लिटर क्षमता के भाग रासायनिक अग्नि-शमन इंजन	आई एस 5507 : 1979	95-02-15
4. IS : 12823	पूर्वपक्वकृत पारिक्ल बोर्ड	आई एस 12823 : 1990	95-07-20
5. IS : 13592	संचालन और वर्षों के पानी के तंत्र सहित शबनों के अन्दर की भिन्नी तथा अग्रशिष्ट निरावेशन तंत्र के लिये अनाव्यक्त यूपीवीसी के पाइप	आई एस 13592 : 1992	95-06-20
6. IS : 14102	संसाधुक्त टिन काँचा	आई एस 14102 : 1994	95-08-09
7. IS : 14104	नाइट्राइल रबड़ घटक	आई एस 14104 : 1994	95-06-01

[संख्या केप्रवि/13 : 9]
एस. के. कर्मकार, अपर महानिदेशक

Bureau of Indian Standards

New Delhi the 21st December 1995

S.O.128.—In pursuance of Sub-rule (1) of the rule of Bureau of the Indian Standards Rules 1987 the Bureau of Indian Standards hereby notifies the Standard Mark(s) for the Indian Standards given in the schedule :

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and year of the Indian Standard	Date of Effect
(1)	(2)	(3)	(4)	(5)
1. IS 3148		Slide Fasteners	IS : 3148:1991	95-11-13
2. IS 5348		Staples	IS : :155348:1681	95-05-31
3. IS 5507		50 Litre capacity chemical fire engine foam type	IS : 5507:1979	95-02-15
4. IS 12823		Prolaminated particle boards	IS : 12823:1990	95-07-20
5. IS 13592		UPVC pipes soil and waste discharge systems inside buildings including ventilation and rain water system	IS : 13592:1972	95-06-20
6. IS 14102		Loaded tin bronze	IS : 14102:1994	95-08-09
7. IS 14104		Nitrite rubber components	IS : 14104:1994	95-06-01

[No. CMD/13:9]
S.K. KARMAKAR Addl. Dir General

कोयला मंत्रालय

नई दिल्ली 12 जनवरी, 1996

सं. आ. ————— 129—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 29 जनवरी, 1994 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. आ. 337 तारीख 27 दिसम्बर 1993 द्वारा उस अधिसूचना से उद्भावित अनुसूची में विनिर्दिष्ट परिक्षेय की भूमि में जिसका माप 340.263 हेक्टर (लगभग) या 840.800 एकड़ (लगभग) है, कोयले या पूर्वोक्षण करने के अपने प्राण्य की सूचना दी थी,

अतः केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त भूमि के भाग में कोयला अभिप्राप्त है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उससे संलग्न अनुसूची में वर्णित 338.268 हेक्टर (लगभग) या 835.894 एकड़ (लगभग) माप की भूमि में खनिजों के खान, खदान, बोर, उसकी खुदाई करने और उन्हें तलाश करने, उन पर कार्य करने तथा उन्हें ले जाने के अधिकारों का अर्जन करने के अपने प्राण्य की सूचना देती है।

टिप्पण 1: इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. सी-1 (ई)/III/एच आर/571-0495, तारीख 19 अप्रैल, 1995 का निरीक्षण कलक्टर छिदवाडा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रण, 1 काउंसिल हाउस स्ट्रीट, कलकत्ता (पिन-700001) के कार्यालय में या वेल्डन कोलकोलडम वि. (राज्य अनुभाग), कोल इस्टेट, सिविल लाईन्स, नागपुर, 440001 (महाराष्ट्र) के कार्यालय में किया जा सकता है।

टिप्पण 2: पूर्वोक्त अधिनियम की धारा 8 के उपबंधों की और ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध है।

“8 अर्जन की वास्तव आपत्तियाँ :—

(1) कोई व्यक्ति जो किसी भूमि में जिसकी वास्तव धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण— इस धारा के अर्थान्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं करना चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को करनी चाहिए।

(2) उपधारा (i) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं चुने जाने का या त्रिधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (i) के अधीन अधिसूचना भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि में विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्रवाई के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होता, यदि भूमि या ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।

टिप्पण 3:— केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता को उक्त अधिनियम के अधीन सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची

भावरी ब्लाक

कंठन क्षेत्र

जिला छिदवाड़ा (मध्य प्रदेश)

(रेखांक सं. सी-1(ई)/III/एच.आर./571-0495, तारीख 19 अप्रैल, 1995)

खतम अधिकार

क्रम, निम्नलिखित के सं. नाम	पटवारी सिकिल संख्यांक	कम्पार्टमेंट संख्यांक	कूप संख्यांक	तहसील	जिला	क्षेत्र हैक्टर में	टिप्पणियां
ग्राम वन वन							
1. भावरी	--	50/6(नया)	--	--	परासिया	छिदवाड़ा	57.899 भाग
2. धोगरी	--	50/7(नया)	--	--	परासिया	छिदवाड़ा	24.281 भाग
रैयतवारी							
3. खारी	--	29	--	--	जुनागदेन	छिदवाड़ा	0.971 भाग
4. तकटिया	वन	29	पी-15ख	--	--वही--	--वही--	61.675 भाग
5. दोमन	--	--	15 XLIII	--	--वही--	--वही--	59.085 भाग
पाठार			15 XLIII	--	--वही--	--वही--	79.320 भाग
6. स.सवानवार	--	--	16क XXX	--	--वही--	--वही--	36.260 भाग
			16क XXX	--	--वही--	--वही--	18.777 भाग

कुल क्षेत्र

338.268 हैक्टर

(लगभग)

या

835.894 एकड़ (लगभग)

ग्राम में भावरी में अर्जित किए जाने वाले प्लॉट सं. :

1, 2, 3/1-2भाग, 4, 5, 6/1, 6/2 भाग, 7 भाग, 9 भाग, 15भाग, 16 भाग, 17भाग, 18/1-2भाग, 21 भाग, 22/1, 22/2, 23/24, 25 भाग, 26 भाग, 27 भाग, 28भाग, 32 से 36 37 (नाला) भाग, 39 भाग, 40 से 45, 46भाग, 47/1 से 5 भाग, 48/1भाग, 48/3 भाग।

ग्राम धोगरी रैयतवारी में अर्जित किए जाने वाले प्लॉट सं. :

48 भाग, 49भाग, 50भाग, 51/1-2 भाग, 53/1-2 भाग, 54 (नाला) भाग।

ग्राम खारी में अर्जित किए जाने वाले प्लॉट सं. :

18/1भाग

ग्राम तकटिया में अर्जित किए जाने वाले संरक्षित वन के कम्पार्टमेंट और कूप सं.

कम्पार्टमेंट सं. पी. 15ख भाग, कूप सं. XXXII भाग।

दोमन पाठार आरक्षित वन में अर्जित किए जाने वाले कम्पार्टमेंट सं. और कूप सं. कम्पार्टमेंट सं. 15 भाग, कूप संख्यांक XLIIIभाग और कूप सं. XLVIII -भाग। स.सवानवार आरक्षित वन में अर्जित किए जाने वाले कम्पार्टमेंट सं. और कूप सं. कम्पार्टमेंट सं. 16क भाग कूप सं. XXXभाग और कूप सं. XXIX भाग।

सीमा वर्णन

क-ख रेखाबिन्दु "क" से आरम्भ होती है और आरक्षित वन कम्पार्टमेंट सं. 15 और 16क की सम्मिलित सीमा के साथ-साथ जाती है तथा बिन्दु "ख" पर मिलती है।

- ख-ग-घ रेखा कूप सं. में प्रारक्षित, वन कम्पार्टमेंट सं. 15 से होकर जाती है, फिर प्लॉट सं. 48, 49, 50, 51/1-2, 53/1-2, 54 (नाला) में ग्राम धोगरी रेतवाणी से होकर आगे बढ़ती है और बिन्दु "घ" पर मिलती है।
- घ-ङ रेखा प्लॉट सं. 54 (नाला) की पूर्वी सीमा के साथ-साथ जाती है और बिन्दु "ङ" पर मिलती है।
- ङ-च रेखा धोगरी रेतवाणी, और भावरी ग्रामों की मझिनीय ग्राम सीमा के साथ-साथ जाती है और बिन्दु "ख" पर मिलती है।
- च-छ रेखा, प्लॉट सं. 46, 48/3 में, ग्राम भावरी से होकर जाती है और बिन्दु "छ" पर मिलती है।
- छ-ज रेखा प्लॉट सं. 48/3, 48/1, 47/1 से 5, 37 (नाला), 39 में पाना भावरी से होकर जाती है, प्लॉट सं. 31, 27, 26, 25, 21, 18/1-2, 16, 15, 2/1-2, 6/2, 7/9 में नाला पार करती है और बिन्दु "ज" पर मिलती है।
- ज-झ रेखा, कूप सं. XXXII में ग्राम नकटिया के कम्पार्टमेंट सं. 15 से प्रारक्षित वन से होकर जाती है और प्लॉट सं. 18/1 में ग्राम खारी से होकर जाती है और फिर प्रारक्षित वन के कूप सं. XLVIII में कम्पार्टमेंट सं. 15 से होकर और आगे बढ़ती है तथा प्रारक्षित वन के कूप सं. XXX में कम्पार्टमेंट सं. 16 से होकर जाती है और बिन्दु "झ" पर मिलती है।
- झ-ञ रेखा प्रारक्षित वन के कूप सं. XXIX में कम्पार्टमेंट सं. 16 से होकर जाती है और प्रारक्षित वन के कूप संख्यांक XLVIII, XLIII कम्पार्टमेंट सं. 15 से होकर जाती है तथा प्रारक्षित बिन्दु "क" पर मिलती है।

[फा. सं. 43015/9/92 एल.एस. डब्ल्यू]

पी. के. जी. नायर, अवर सचिव

MINISTRY OF COAL

New Delhi the 12th January 1996

S.O. 129.—Whereas by the notification of the Government of India in the Ministry of Coal No S.O. 337 dated the 27th December 1993 published in the Gazette of India Part-II Section-3 sub-section (i) dated the 27th January 1994 under sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act 1957 (20 of 1957) the Central Government gave notice of its intention to prospect for coal in 340.263 hectares (approximately) or 840.80 acres (approximately) of the lands in the locality specified in the Schedule annexed to that notification;

And whereas the Central Government is satisfied that coal is obtainable in a part of the said lands;

Now therefore in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the rights to mine quarry bore, dig and search for win, work and carry away minerals in the lands measuring 338.263 hectares (approximately) or 835.894 acres (approximately) described in the Schedule appended hereto;

Note 1 :—The plan bearing No. C-1(E)/III/HR/571-0495 dated the 19th April 1995 of the area covered by this notification may be inspected in the office of the Collector Chhindwara (Madhya Pradesh) or in the Office of the Coal Controller 1 Council House Street Calcutta (PIN 700 001) or in the Office of the Western Coal fields Limited (Revenue Section) Coal Estate Civil Lines Nagpur-440 001 (Maharashtra).

Note 2 :—Attention is hereby invited to the provisions of section 8 of the aforesaid Act which provides as follows :—

"8. Objections to Acquisition :—

- (1) Any person interested in any land in respect of which a notification under section 7 has been issued may within thirty days of the issue of the notification object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

- (2) Every objection under sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall after hearing all such objections and after making such further enquiry if any,

as he thinks necessary will make a report in respect of the land which has been notified under sub-section (1) of Section 7 or of rights in or over such land or make different reports in respect of different parcels of such and or of rights in or over such land to the Central Government containing his recommendations on the objections together with the record of the proceeding held by him for the decision of that Government.

- (3) For the purpose of this section a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act

Note 3— The Coal Controller 1 Council House Street Calcutta has been appointed by the Central Government as the competent authority under the Act

THE SCHEDULE

MAORI BLOCK

KANHAN AREA

DISTRICT CHHINDWARA (MADHYA PRADESH)

(Plan No. C-11F)/MH/HR/571-0495 dated the 19th April, 1995)

Mining Rights

Sl. No.	Name of the Village	Forest	Patwari circle number	Compartment number	Coup number	Tahsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7	8	9	10
1	Maroi	-	50/6 (New)	-	-	Parasia	Chhindwara	57.899	Part
2	Ghogri-Raytwari	-	50/7 (New)	-	-	Parasia	Chhindwara	24.281	Part
3	Khari	-	29	-	-	Junnar-deo	Chhindwara	0.971	Part
4	Nakatla	Forest	29	P15B	XXXII	Junnar-deo	Chhindwara	61.675	Part
5	—	Dobhan-Pathar	-	15	XLIII	Junnar-deo	Chhindwara	59.085	Part
				15	XLVIII	Junnar-deo	Chhindwara	79.320	Part
6	—	Samwanwara Parra	—	16A	XXX	Junnar-deo	Chhindwara	36.260	Part
				16A	XXIX	Junnar-deo	Chhindwara	18.777	Part
Total area :								338.268 hectares (approximately) or 835.894 acres (approximately)	

Plot numbers to be acquired in village Maori :

1, 2, 3/1-2 Part, 4, 5, 6/1, 6/2 Part, 7 Part, 9 Part, 15 Part, 16 Part, 17, 18/1-2 Part, 21 Part, 22/1, 22/2, 23, 24, 25 Part 26 Part, 27 Part, 31 Part, 32 to 36, 37 (Nallah) Part, 39 Part 40 to 45 46 Part, 47/1 to 5 Part 48/1 Part, 48/3 Part.

Plot numbers to be acquired in village Ghogri Raytwari :

48 Part, 49 Part, 50 Part 51/1-2 Part, 53/1-2 Part, 54 (Nallah) Part.

Plot numbers to be acquired in village Khari :

18/1 Part.

Compartment and Coup number of Protected Forest to be acquired in village Nakatia :

Compartment number P 15B Part, Coup number XXXII Part.

Compartment number and Coup numbers to be acquired in Dobhan Pathar Reserved Forest.

Compartment number 15 Part, Coup numbers XLIII Part and Coup number XLVIII Part.

Compartment number and Coup numbers to be acquired in Samwanwara Baria Reserved Forest :

Compartment number 16 A Part, Coup numbers XXX Part and Coup number XXIX Part.

Boundary description :

- A—B : Line starts from point 'A' and passes along the common boundary of Reserved Forest Compartment Numbers 15 and 14A and meets at a point 'B'.
- B—C—D : Line passes through Reserved Forest Compartment number 15, in Coup number XLIII, then proceeds through village Ghogri Raytwari in plot numbers 48, 49, 50, 51/1-2, 53/1-2, 54 (Nallah) and meets at point 'D'.
- D—E : Line passes along the eastern boundary of plot number 54 (Nallah) and meets at point 'E'.
- E—F : Line passes along the common village boundary of villages Ghogri Raytwari and Maori and meets at point 'F'.
- F—G : Line passes through village Maori in plot numbers 46, 48/3 and meets at point 'G'.
- G—H : Line passes through village Maori in plot numbers 48/3, 48/1, 47/1 to 5, 37 (Nallah), 39, crosser nallah, in plot numbers 31, 27, 26, 25, 21, 18/1-2, 16 15, 3/1-2, 6/2, 7, 9 and meets at point 'H'.
- H—I : Line passes through compartment number 15B protected forest of village Nakatia in coup number XXXII and passes through village Khari in plot number 81/1, then further proceeds through compartment number 15 in coup number XLVIII of Reserved Forest and passes through compartment number 16A in coup number XXX of Reserved Forest and meet at point 'I'.
- I—A : Line passes through compartment number 16A in coup number XXIX of Reserved Forest and passes through compartment number 15 in coup number XLVIII, XLIII of Reserved Forest and meets at starting point 'A'.

[F. No. 43015/9/92-LSW]
P.K. G. Nair, under Secy.

रसायन एवं उर्वरक मंत्रालय

(उर्वरक विभाग)

नई दिल्ली, 4 जनवरी, 1996

का. आ. 130.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अन्तर्गण में रसायन एवं उर्वरक मंत्रालय, उर्वरक विभाग के प्रशासनिक नियंत्रण में आने वाले निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत कर्मचारीबुन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त किया है, अधिसूचित करती है :—

1. पारादीप फासफेट्स लिमिटेड, क्षेत्रीय विपणन कार्यालय, भोपाल
2. पारादीप फासफेट्स लिमिटेड, क्षेत्रीय विपणन कार्यालय, हैदराबाद

[सं. ई-11011/5/93-हिन्दी]
एस. के. दश, निदेशक

MINISTRY OF CHEMICALS AND FERTILIZERS

(Department of Fertilizer)

New Delhi, the 4th January, 1996

S.O. 130.—In pursuance of Sub-rule (4) of the Rule 10 of the Official Language 'Use for official purposes of the Union' Rule, 1976 the Central Government hereby notifies the following offices, under the Administrative Control of Ministry of Chemicals and Fertilizers, Department of Fertilizer, 80 per cent Staff where of have acquired the working knowledge of Hindi.

1. Paradeep Phosphates Ltd., Regional Marketing Office, Bhopal.
2. Paradeep Phosphates Ltd., Regional Marketing Office, Hyderabad.

[No. E-11011/5/93-Hindi]
S. K. DASH, Director

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

संशोधन

नई दिल्ली, 10 जनवरी, 1996

का.आ. 131.—भारत के राजपत्र दिनांक 1-10-94 के भाग-II खंड-3 उपखंड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का. आ. संख्या 2531, दिनांक 9-9-94 से पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) के अंतर्गत

हिंदी भाषा में प्रकाशित अधिसूचना जो कि ग्राम तरावटा तहसील गुना, जिला गुना के संबंध में थी, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार

निम्न संशोधन के अनुसार पढ़ा जाये

क्र.सं.	सर्वे संख्या	क्षेत्रफल हेक्टेयर में	सर्वे संख्या	क्षेत्रफल हेक्टेयर में
2.	336/1	0.2535	336/1	0.5280
3.	336/3	0.2745	--	--

[संख्या एन-11016/4/95 जी. पी.]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 10th January, 1996

S.O. 131:—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 2531 dated 9-9-94 published on 1-10-94 under sub-sec. (i) of section 3 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Taravata, Tehsil Guna, District Guna be read as follows :—

As per Gazette		Be read as corrected below	
Sr. No.	Survey No.	Survey No.	Area in Hectare
2.	336/1	336/1	0.5280
3.	336/3

[No. L-14016/4/95 G.P.]

ARDEHENDU SEN, Director

संशोधन

नई दिल्ली, 10 जनवरी, 1996

का.आ. 132.—भारत के राजपत्र दिनांक 1-10-94 के भाग-II खंड-3 उपखंड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का.आ. संख्या 2545 दिनांक 9-9-94 से पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) के अंतर्गत हिंदी भाषा में प्रकाशित अधिसूचना जो कि ग्राम गिर्पारया, तहसील गुना, जिला गुना के संबंध में थी, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार

निम्न संशोधन के अनुसार पढ़ा जाये

क्र.सं.	सर्वे संख्या	क्षेत्रफल हेक्टेयर में	सर्वे संख्या	क्षेत्रफल हेक्टेयर में
33.	83/1	0.2800	83/1	0.0515
35.	83/3	0.0315	83/3	0.2600

[संख्या एन-14016/4/95 जी. पी.]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 10th January, 1996

S.O. 132:—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 2545 dated 9-9-94 published on 1-10-94 under sub-section (i) of section 3 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Piparia, Tehsil Guna, district Guna be read as follows :—

As per Gazette		Be read as corrected below	
Sr. No.	Survey No.	Survey No.	Area in Hectare
33.	83/1	83/1	0.2800
35.	83/3	83/3	0.0315

[No. L-14016/4/95 G.P.]

ARDHENDU SEN, Director

संशोधन

नई दिल्ली, 10 जनवरी, 1996

का.आ. 133 :- भारत के राजपत्र दिनांक 1-10-94 के भाग-II खंड-3 उपखंड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का.आ. संख्या 2535 दिनांक 9-9-94 से पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) के अंतर्गत द्वितीय भाषा में प्रकाशित अधिसूचना जो कि ग्राम रावसर, तहसील ईसागर, जिला गुना के संबंध में थी, जो निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार		निम्न संशोधन के अनुसार पढ़ा जाये	
क्र.सं.	सर्वे संख्या	क्षेत्रफल हेक्टेयर में	सर्वे संख्या क्षेत्रफल हेक्टेयर में
21.	277	0.4815	277/2 0.5005
22.	261	0.2790	261 0.2600

[संख्या एन-14016/4/95 जी. पी.]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 10th January, 1996

S. O. 133~ In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 2535 dated 9-9-94 published on 1-10-94 under sub-section (i) of section 3 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Ravsar, Tehsil Issagarh, district Guna be read as follows :—

As per Gazette		Be read as corrected below	
Sr. No.	Survey No.	Survey No.	Area in Hectare
21.	277	277/2	0.5005
22.	261	261	0.2600

[No. L-14016/4/95 G.P.]

ARDHENDU SEN, Director

संशोधन

नई दिल्ली, 10 जनवरी, 1996

का.आ. 134 :- भारत के राजपत्र दिनांक 1 अक्टूबर 1994 के भाग-II खंड-3 उपखंड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का.आ. संख्या 2534 दिनांक 9 सितंबर 1994 से पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) के अंतर्गत प्रकाशित अधिसूचना जो कि ग्राम घुरबारकला, तहसील ईसागर, जिला गुना के संबंध में थी, जो निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार		निम्न संशोधन के अनुसार पढ़ा जाये	
क्र.सं.	सर्वे संख्या	क्षेत्र. हेक्टेयर में	सर्वे संख्या क्षेत्र. हेक्टेयर में
11.	673/1	0.0600	673/2 0.0600
12.	673/2	0.3025	622 0.3025
		603	0.0450
		347/1170	0.0600

[संख्या एन-14016/4/95 जी. पी.]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 10th January, 1996

S.O. 134:—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 2534 dated 9-9-94 published on 1-10-94 under sub-section (i) of section 3 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in land) Act, 1962 (50 of 1962) in respect of village Ghurbaralan, Tehsil Issagarh, district Guna be read as follows :—

As per Gazette		Be read as Corrected below	
Sr. No.	Survey No.	Survey No.	Area in Hectare
11.	673/1	673/2	0.0600
12.	673/2	622	0.3025
		603	0.0450
		347/1170	0.0600

[No. L-14016/4/95-G.P.]

ARDHENDU SEN, Director

संशोधन

नई दिल्ली, 10 जनवरी, 1996

का.आ. 135 :- भारत के राजपत्र दिनांक 28 मार्च, 1995 के भाग-II खंड-3 उपखंड (ii) में पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय, भारत सरकार के का.आ. संख्या 270(अ) दिनांक 24 मार्च, 1995 से पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा

(i) के अंतर्गत हिंदी भाषा में प्रकाशित अधिसूचना जो कि ग्राम पिपरिया तहसील गुना, जिला गुना के संबंध में थी, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार निम्न संशोधन के अनुसार पढ़ा जाये

क्र.सं. सर्वे संख्या क्षेत्रफल हेक्टेयर में सर्वे संख्या क्षेत्रफल हेक्टेयर में

11.	110/442	0.3374	111/2	0.3374
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[संख्या एल-14016/4/95 जी. पी.]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 10th January, 1996

S.O. 135.:—In the Gazette of India, Ministry of Petroleum and Natural Gas S.O. No. 270 (E) dated 24-3-95 published on 28-3-95 under sub-section (i) of section 6 of the Petroleum and Mineral pipeline (Acquisition of Right of Users in land) Act, 1962 (50 of 1962) in respect of village Piparia, Tehsil Guna, district Guna be read as follows : -

As per Gazette		Be read as corrected below		
Sr. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
11.	110/442	0.3374	111/2	0.3374

[No. L- 14016/4/95 G.P.]

ARDHENDU SEN, Director

संशोधन

नई दिल्ली, 10 जनवरी, 1996

का.प्रा. 135. :- भारत के राजपत्र दिनांक 29-10-94 के भाग-II खंड-3 उपखंड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का.प्रा. संख्या 2975 दिनांक 22-9-94 से पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) के अंतर्गत हिंदी भाषा में प्रकाशित अधिसूचना जो कि ग्राम अमुआखेड़ी, तहसील शिवपुरी, जिला शिवपुरी, के संबंध में थी, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार निम्न संशोधन के अनुसार पढ़ा जाय

क्र.सं. सर्वे संख्या क्षेत्रफल हेक्टेयर में सर्वे संख्या क्षेत्रफल हेक्टेयर में

9.	17	0.3778	17	0.3120
10.	16	0.0068	16	0.0726
			36	0.0495

[संख्या एल-14016/4/95 जी. पी.]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 10th January, 1996

S.O. 136.: In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 2975 dated 22-9-94 published on 29-10-94 under sub section (i) of section 3 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in land) Act, 1962 (50 of 1962) in respect of village Asuakheri, Tehsil Shivpuri, district Shivpuri be read as follows :—

As per Gazette			Be read as corrected below	
Sr. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
9.	17	0.3778	17	0.3120
10.	16	0.0068	16	0.0726
			36	0.0495

[No. L-14016/4/95 G.P.]

ARDHENDU SEN, Director

संशोधन

नई दिल्ली, 10 जनवरी, 1996

का.प्रा. 137. :- भारत के राजपत्र दिनांक 29-10-94 के भाग-II खंड-3 उपखंड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का.प्रा. संख्या 2975 दिनांक 22-9-94 से पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अंतर्गत हिंदी भाषा में प्रकाशित अधिसूचना जो कि ग्राम तारका, तहसील शिवपुरी, जिला शिवपुरी के संबंध में थी, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार निम्न संशोधन के अनुसार पढ़ा जाये

क्र.सं. सर्वे संख्या क्षेत्रफल हेक्टेयर में सर्वे संख्या क्षेत्रफल हेक्टेयर में

16.	2	0.0150	63	0.0150
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[संख्या एल-14016/4/95 जी. पी.]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 10th January, 1996

S.O. 137:—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 2975 dated 22-9-94 published on 29-10-94 under sub-section (i) of section 3 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in land) Act, 1962 (50 of 1962) in respect of village Tarka, Tehsil Shivpuri, district Shivpuri be read as follows :—

As per Gazette		Be read as corrected below		
Sr. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
16.	2	0.0150	63	0.0150

[No. L-14016/4/95 G.P.]

ARDHENDU SEN, Director

संशोधन

नई दिल्ली, 10 जनवरी, 1996

का.आ. 138.—भारत के राजपत्र दिनांक 29 अक्तूबर, 1994 भाग-II खंड-3 उपखंड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का.आ. संख्या 2976 दिनांक 22 सितंबर, 1991 से पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) के अंतर्गत प्रकाशित अधिसूचना जो कि ग्राम गुगरपाटी, तहसील पोहरी, जिला शिवपुरी के संबंध में थी, को निम्नानुसार पढ़ा जाये :—

राजपत्र के अनुसार		निम्न संशोधन के अनुसार पढ़ा जाये	
क्र.सं.	सर्वे संख्या क्षेत्रफल हेक्टेयर में	सर्वे संख्या क्षेत्रफल हेक्टेयर में	
1.	215 0.2395	215 0.1495	

[संख्या एल-14016/1/95 जी. पी.]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 10th January, 1996

S.O. 138 :—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 2976 dated 22-9-94 published on 29-10-94 under sub-section (i) of section 3 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in land) Act, 1962 (50 of 1962) in respect of Village Gugarpatti, Tehsil Pohari, District Shivpuri be read as follows :—

As per Gazette		Be read as corrected below		
Sr. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
01.	215	0.2395	215	0.1495

[No. L-14016/4/95 G.P.]

ARDHENDU SEN, Director

संशोधन

नई दिल्ली, 10 जनवरी, 1996

का.आ. 139.—भारत के राजपत्र दिनांक 29 अक्तूबर, 1994 के भाग-II खंड-3 उपखंड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय भारत सरकार के का.आ. संख्या 2976 दिनांक 22 सितंबर 1994 से पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) के अंतर्गत प्रकाशित अधिसूचना जो कि ग्राम गुगरगाँव, तहसील पोहरी, जिला शिवपुरी के संबंध में थी, को निम्नानुसार पढ़ा जाये :—

राजपत्र के अनुसार			निम्न संशोधन के अनुसार पढ़ा जाये	
क्र.सं.	सर्वे संख्या	क्षेत्र. हेक्टेयर में	सर्वे संख्या	क्षेत्र. हेक्टेयर में
13.	479	0.2485	478	0.0300
			479	0.2185

[संख्या-एल-14016/4/95 जी. पी.]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 10th January, 1996

S.O. 139 :—In the Gazette of India Part-II Sec 3(ii) Petroleum and Natural Gas S.O. No. 2976 dated 22-9-94 published on 29-10-94 under sub-section (i) of section 3 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in land) Act, 1962 (50 of 1962) in respect of Village Gugargaon, Tehsil Pohari, District Shivpuri be read as follows :—

As per Gazette		Be read as corrected below		
Sr. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
13.	479	0.2485	478	0.0300
			479	0.2185

[No. L-14016/4/95 G.P.]

ARDHENDU SEN, Director

जल-भूतल परिवहन मंत्रालय

(नौवहन महानिदेशालय)

(वाणिज्यिक नौवहन)

बम्बई, 1 जनवरी, 1996

का. आ. 140.—वाणिज्यिक नौवहन (नाविक रोजगार कार्यालय) नियम, 1986 के नियम 3 तथा भारत सरकार, जन भूतल परिवहन मंत्रालय की अधिसूचना सं. एस डब्ल्यू/एम डब्ल्यू एस-40/85-एमटी, दिनांक 22 अप्रैल, 1988 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए नौवहन महानिदेशक, एतद्द्वारा, शासकीय राजपत्र में इस अधिसूचना के प्रकाशन की तिथि से दो वर्षों की अवधि के लिए, कलकत्ता पत्तन पर नाविक रोजगार बोर्ड (विदेशगामी) की नियुक्ति करते हैं, जिसमें निम्नलिखित सदस्य होंगे :—

- | | |
|---------------------------------------------------------|------------------------------------------------|
| 1. प्रधान अधिकारी, समुद्री वाणिज्य विभाग, कलकत्ता | } सरकार का प्रतिनिधित्व करने वाले सदस्य |
| 2. उप नौवहन महानिदेशक, नाविक रोजगार कार्यालय के प्रभारी | |
| 3. श्रम आयुक्त, पश्चिम बंगाल, कलकत्ता | |
| 4. नाविक पाल, कलकत्ता | |
| 5. निदेशक, नाविक रोजगार कार्यालय कलकत्ता | |
| 6. पत्तन स्वास्थ्य अधिकारी | } पोतस्वामियों का प्रतिनिधित्व करने वाले सदस्य |
| 7. श्री डी. के. राय (भारतीय नौवहन निगम, कलकत्ता) | |
| 8. श्री एस आर गुप्ता (भारतीय नौवहन निगम, कलकत्ता) | |
| 9. कैप्टन एस. पाही (भारतीय नौवहन निगम, कलकत्ता) | |

10. श्री. के. नौगरी (इंडिया स्टीमशिप कंपनी लि., कलकत्ता)	16. श्री अनिल बारान दास	नाविकों का
11. कैप्टन जी. सेनगुप्त, (इंडिया स्टीमशिप कंपनी लि., कलकत्ता)	17. श्री माखनलाल नदा	प्रतिनिधित्व करने
12. श्री जी. सी. दास (इंडिया स्टीमशिप कंपनी लि., कलकत्ता)	18. श्री एम. ए. सईद	वाले सदस्य
<p>पोतस्वामियों का प्रतिनिधित्व करने वाले सदस्य</p> <p>प्रधान अधिकारी समुद्री वाणिज्य विभाग, कलकत्ता, पूर्वोक्त बोर्ड के अध्यक्ष और उप नौवहन महानिदेशक, नाविक रोजगार कार्यालय, कलकत्ता के प्रभारी, उपाध्यक्ष होंगे। निदेशक नाविक रोजगार कार्यालय, पूर्वोक्त बोर्ड के सदस्य-सचिव होंगे।</p>		
13. श्री आशुतोष बनर्जी	[फाइल सं. 25 (2) सी आर/90]	
14. श्री साधन कांजीलाल	एच. पी. शर्मा, उप नौवहन महानिदेशक	
15. श्री विमल कुमार राय		

MINISTRY OF SURFACE TRANSPORT
(Directorate General of Shipping)

(MERCHANT SHIPPING)

Bombay, 1st January, 1996

S.O. 140. —In exercise of powers conferred by Rule 3 of the Merchant Shipping (Seamen's Employment Offices) Rules, 1986 read with the Notification of Govt. of India in the Ministry of Surface Transport No. SW/MWS-40/85-MT dated 22nd April, 1988 the Director General of Shipping hereby appoints Seamen's Employment Board (F.G.) at the port of Calcutta for a period of two years with effect from the date of publication of the notification in the official Gazette consisting of the following members namely :—

1. The Principal Officer, Mercantile Marine Department, Calcutta.	}	Members representing Government.
2. The Dy Director General of Shipping, Incharge of the Seamen's Employment Office.		
3. The Labour Commissioner, West Bengal, Calcutta.		
4. The Shipping Master, Calcutta.		
5. The Director, Seamen's Employment Office, Calcutta		
6. The Port Health Officer, Calcutta.		
7. Shri D K Roy (Shipping Corporation of India, Calcutta)	}	Members representing ship-owners.
8. Shri S.R. Gupta (Shipping Corporation of India, Calcutta)		
9. Capt S. Pahi (Shipping Corporation of India, Calcutta)		
10. T.K. Choudhary (India Steamship Company Ltd, Calcutta)		
11. Cap. G. Sengupta (India Steamship Company Ltd, Calcutta)		
12. Shri G C Das (India Steamship Company Ltd., Calcutta)		
13. Shri Ashutosh Banerjee	}	Members representing Seamen
14. Shri Sadhan Kanjilal		
15. Shri Bimal Kumar Roy		
16. Shri Anil Baran Das		
17. Shri Makhanlal Chanda		
18. Shri M. A. Sayed		

Principal Officer Mercantile Marine Department Calcutta and the Dy Director General of Shipping Incharge of the Seamen's Employment Office Calcutta shall respectively be the Chairman and the Vice-Chairman of the aforesaid Board. The Director Seamen's Employment Office shall be the Member Secretary of the aforesaid Board

[F. No 25(2)CR/90]

H. P. SHARMA, Dy. Director General of Shipping

अन्य संज्ञाएँ

नई दिल्ली, 26 दिसम्बर, 1995

का. आ. 141.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीग्राफ के प्रवर्धन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-12-95 को प्राप्त हुआ था।

[संख्या एन-40011/1/91-आईआर(डी)]

के. वी. बी. उन्नी, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 26th December, 1995

S.O. 141.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom and their workmen, which was received by the Central Government on 22-12-1995.

[No. L-40011/1/91-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)
Case Ref. No. CGIT/LC(R)(166)/1994

BETWEEN

S/Shri Mahesh Prasad Yadav and two others, represented through Shri M. P. Singh, Samyukta Parimandal Secretary, National Union of Telegraph Engineering Employees, Telegraph Staff and Workcharge, Satna, (MP).

AND

The Divisional Engineer, Telegraph, Satna, (MP) and the Chief General Manager, Telecommunication, M. P. Telecommunication Parimandal, Bhopal, (MP).

PRESIDED IN. By Shri Arvind Kumar Awasthy.

APPEARANCES:

For Workmen: Shri M. P. Singh.

For Management: Shri R. G. S. Tiwari

INDUSTRY: Telegraph. DISTRICT: Satna (MP)

AWARD

Dated, November 16, 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-40011/1/91, IRDU dated 29-9-94, for adjudication of the following industrial dispute:—

THE SCHEDULE

"Whether the action of the management of Telecom District Engineer, Satna (MP) in terminating the services of S/Shri Mahesh Prasad Yadav, Amarjeet Verma and Shiv Prasad Kushwaha w.e.f. 25-9-90 and 20-9-90 is proper, legal and justified? If not, to what relief the workmen are entitled to?"

2. In spite of repeated notices sent to the workmen the statement of claim was not filed either by the workmen or by the management. Union has prayed to close the reference on the ground that the similar reference i.e. R/167/94 is pending before the Tribunal for the disposal.

3. Looking to the terms of reference case No. CGIT/LC(R)(167)/94 this reference is hereby closed. Reference is answered accordingly. No order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 1995

का. आ. 142.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आक महाराष्ट्र के प्रवर्धन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, 2 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-12-95 को प्राप्त हुआ था।

[संख्या एन-12011/60/90-आईआर(बी-2)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 29th December, 1995

S.O. 142.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 27th December, 1995.

[No. L-12011/60/90-IR(B-II)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, BOMBAY

PRESENT:

Shri S. B. Panse, Presiding Officer.

Reference No CGIT-2/31 of 1991

Employers in relation to the management of Bank of Maharashtra

AND

Their Workmen.

APPEARANCES:

For the Employer—Shri R. G. Londhe, Representative.

For the Workmen—Shri Vinayak D. Kamarkar, Representative.

BOMBAY, dated the 7th December, 1995

AWARD

The Government of India, Ministry of Labour, by its letter No. L 12011/60/90-IR(B-II) dated 3rd June, 1991 had referred to the following Industrial Dispute for adjudication:

"Whether the action of the management of Bank of Maharashtra, Jalgaon for promoting the junior employees by Superseding Shri C. B. Bahaddarpurkar is justified? If not so, then what relief the workman is entitled to?"

2. The Union filed a statement of claim at (Ex. '2'). It is contended that C. B. Bahaddarpurkar was a senior person in the branch. As per the statement dated 24th August, 1983

the post of sub-assistant should have been given to him but it was not given to him and the same was allotted to his junior Mr. V. T. Joshi and later on to Mr. P. Kerhalkar.

3. The union pleaded that the chargesheet was served on the workmen dated 3rd May, 1978. A departmental inquiry was initiated against him and on 14th April, 1984 he was awarded the punishment of "Warning". An administrative order issued in this respect was dated 25th April, 1984. It is averred that the representation made by the worker for keeping him the seniority list was not considered and he was not allotted the post when he was entitled to get it after 14th April, 1984. It is therefore prayed that the action of the management is not justified and it may be directed to pay the special assistants allowance from the date of the appointment of his juniors to that post till he was appointed in that cadre.

4. The management resisted the claim by the written statement Ex. '6'. It is averred that there are different statements which disqualifies the candidate for getting the post of special assistants. These statements deal with non-eligibility for considering the allotment of post of sub-assistants. It is averred that as the departmental inquiry was pending against the worker he was disqualified being eligible candidate to be considered for the post of sub-assistants. This is a practice of the branch to prepare a list of eligible candidate to be given the post of sub-assistants on 31st day of every year. The candidates as mentioned in the list are to be considered for giving such a post in the next year. It is averred that once such a list is prepared then it is not to be disturbed till the next years' 31st of December.

5. The management pleaded that in the year 1983 the worker was not eligible to be included in the list which is to be considered for the post of sub-assistants in the year 1984. It is therefore his name was deleted in the list of 1983 which was prepared on the 31st of December that year. It is submitted that the management had acted as per the settlements and when the workman was found eligible he was given the post of sub-assistant. It is submitted that under such circumstances there is no merit in the case of the union and the reference may be answered in favour of the management.

6. My learned predecessor framed issues at Ex. '7'. The issues and my findings there on are as follows :

Issues	Findings
1. Whether the action of the management of Bank of Maharashtra, Jalgaon for promoting the junior employees by superseding Shri C. B. Bahaddarpurkar is justified ?	Not justified
2. If not, then what relief the workman is entitled ?	As per order below.
3. What Award ?	As per order below.

REASONS

7. C. B. Bahaddarpurkar (Ex. '11') affirmed that he was appointed as a clerk on 18th June, 1971 at Chalisgaon. He is a graduate in Commerce. On 23rd December, 1977 he was issued the chargesheet. A departmental enquiry was conducted against him, and the enquiry officer submitted his report on 2nd March, 1984. The disciplinary authority awarded a punishment of "Warning" on 14th April, 1984. This punishment was in respect of charge No. 1 and no punishment was awarded in respect of charge No. 2 which was not proved.

8. It is not in dispute that worker was shown as senior to Joshi and Keralkar in the list which was prepared on 31st December, 1984. It is also not in dispute that revised list 1983 was prepared on 31st December, 1983. The workers name was deleted. He affirmed that he made several representations for removal of above injustice.

57 GI/96—3

9. It is tried to appeal on behalf of the union that the settlement which took place between the union and management dated 24th August, 1983 (Ex. 4/3) is applicable to the present set of facts. Clause No. 5 of the said settlement deals with groupwise seniority. It states that

"The groupwise seniority list of candidates who have put in minimum 5 years of service as well as secure minimum 7 marks as on 31st December every year shall be circulated amongst the staff members. The grievances in respect of seniority list, if any, shall be mutually discussed by the parties. While preparing the groupwise seniority, services shall be counted from the date of appointment as probationer in clerical cadre."

10. From the wordings of this clause it is very clear that it does not refer to eligibility of the candidate for inclusion of in this list. Nothing is brought to my notice to show that under the settlement the list of eligible candidates is to be prepared. It is tried to argue on behalf of the management there is a practice of preparing such a list. As against that it is argued on behalf of the union that as the clause deals with groupwise seniority there is nothing like the list of eligible candidates. I find substance in it. It can be further seen that when for a particular circumstance there is no provision in the agreement then only one has to go to the practice in existence. But when I find that there is a clause preparing groupwise seniority and as there is no clause for preparing groupwise seniority of eligible candidate I do not find any merit in the submissions made by the management

11. Clause 5 of the said claim deals with disqualification. It reads :—

- "In case of an employee who is chargesheeted, he/she shall not be offered the post of Special Assistant till such time the enquiry is over.
- "In case of an employee against whom a departmental enquiry was instituted and is punished he/she shall not be offered the post of Special Assistant for a period of 6 months in case he/she is punished for minor misconduct. In case of an employee who is punished for major misconduct and is awarded a punishment other than dismissal or discharge he/she will not be offered the post of Special Assistant during the period when he/she is undergoing the punishment."

12. Clause 6 of the same agreement deals with Temporary Posting of Special Assistants :

"An employee who is otherwise eligible but is not offered post of special assistant in terms of Clause No. 5 mentioned above, such an eventuality the post remaining vacant shall be filled by the next senior eligible candidate from the concerned group. Such a posting shall be on purely temporary basis. As and when the original candidate who was earlier disqualified, qualifies for the posting as special assistant he/she shall be offered the post of special assistant and the employee working in his/her place on temporary basis shall be withdrawn and shall be posted back at his original place of working."

13. From the perusal of the above said clause it is very clear that so far as the workman is concerned his disqualification was over on the date of the call of the punishment i.e. 14th April, 1984. His punishment was of "Warning". It is not for a particular time. In other words when the disciplinary authority said that the worker was awarded the punishment as Warning, if was over. After perusal of clause No. 6 as I find that when a particular person in the group or seniority list was found not eligible on that particular time the next man has to be given that posting on a temporary basis only. When the senior man becomes eligible he has to be given that posting and the earlier man has to be reverted back to its original position. This appears to be something unreasonable but as clause No. 6 deals with it, it has to be accepted.

14. It is not in dispute that till 1982 the worker was shown to be a senior to the other two persons, who were given the post of sub assistants. In the year 1983 his name was deleted only because there was a chargesheet against him and the departmental enquiry was going on. If he would have shown in the seniority list of the December, 1983 after 14th April, 1984 he would have been shown as the eligible candidate for the post of sub-assistant and should have given the post to him in spite of other person.

15. The management did not dispute the position that the worker became qualified for the post of sub-assistant w.e.f. 25th April, 1984 i.e. from the date of the order which is issued by the management and not from the order of the disciplinary authority dated 14th April, 1984. The first post which was given to Mr. Joshi who was junior to the worker was on 1st August, 1984. For the post of sub-assistant there is additional monetary benefit which the worker lost.

16. It is tried to argue on behalf of the management later on due to another settlement in addition to the earlier qualification, criteria of interview was added. The worker was selected and was given the post of sub-assistant in November, 1991. But so far as the terms of that agreement are concerned they are not at all concerned to the present reference. The settlement dated 24th August, 1983 is of relevancy. For all these reasons I record my findings on the issues accordingly and pass the following order :

ORDER

1. The action of the management of Bank of Maharashtra, Jalgaon for promoting the junior employees by superceding Shri C. B. Bahaddarpurkar is not justified.
2. The management is directed to pay the Special Allowance to Bahaddarpurkar from 1st August, 1984 to November 1991, within two months from the receipt of the order of the award.
3. The management has to pay Rs. 300 as the cost of this reference to the union and to bear its own.

S. B. PANSE, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 1995

का. आ. 143.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब और सिंध बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-12-95 को प्राप्त हुआ था।

[संख्या एल-12012/338/94-आईआरबी-2]

के. वी. बी. उणी, डेस्क अधिकारी

New Delhi, the 29th December, 1995

S.O. 143.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Punjab and Sind Bank and their workmen, which was received by the Central Government on 27-12-1995.

[No. L-12012/338/94/IR (B-II)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 58 of 1995

In the matter of dispute :

BETWEEN

General Secretary,
All India Punjab and Sind Bank Staff Federation
Flat No. 70, Pocket 13, Block C/4 B,
Janakpuri,
New Delhi.

AND

Chief Manager,
Punjab and Sind Bank,
Civil Lines,
Allahabad.

AWARD

1. The Central Government, Ministry of Labour, New Delhi vide its Notification No. L-12012/338/94-IR (B-II) dated 30-5-95, has referred the following dispute for adjudication to this Tribunal—

Whether the demand of All India Punjab and Sind Bank Staff Federation, New Delhi on the management of Punjab and Sind Bank, Allahabad for fixation of pay of Shri Amrish Bahadur in clerical cadre more than that of Shri Janardhan Singh, his junior, is legal and justified ? If so, to what relief is the said workman entitled ?

2. In the instant case despite issue of notice neither the workman appeared nor filed statement of claim. It thus appears that the concerned workman is not interested in prosecuting his claim.

3. Therefore, in view of above the reference is decided against the concerned workman for want of pleading and proof.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 1995

का. आ. 144.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-12-95 को प्राप्त हुआ था।

[संख्या एल-12012/02/94-आईआरबी-2]

के. वी. बी. उणी, डेस्क अधिकारी

New Delhi, the 29th December, 1995

S.O. 144.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Union Bank of India and their workmen, which was received by the Central Government on 27-12-1995.

[No. L-12012/02/94-IR (B-II)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 74 of 1994

In the matter of dispute :

BETWEEN

General Secretary,
Union Bank Employees Union,
C/o 628/M-33, Murari Nagar,
Faizabad Road,
Lucknow

AND

Dy. General Manager,
Union Bank of India,
Zonal Office,
Sardar Tower
Kapoorthala Complex,
Aliganj,
Lucknow.

AWARD

1. The Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/02/94-IR (B-II), dated 24-8-1994 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Union Bank of India, Lucknow in not considering the request of Shri Chaman Lal, Head Cashier for his transfer to Chandigarh/Behat/Chhutmalpur Branch is justified ? If not, what relief is the said workman entitled to ?

2. I have gone through the claim statement of the concerned workman which shows that the concerned workman Chaman Lal who at the time of reference was posted at Raipur Branch in Maunath Bhanjan District U.P. had ventilated his grievance. That in spite of his request he is not being transferred to Chandigarh.

3. The opposite party has filed written reply alongwith the transfer order intimating that the concerned workman has already been transferred to Chandigarh vide order dated 17-5-1995.

4. In this way the relief claimed by the concerned workman stand satisfied as such the reference has become redundant. Accordingly it does not call for findings.

5. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 1995

का. आ. 145.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-12-95 को प्राप्त हुआ था।

[संख्या एल - 12012/245/93 - आई आर बी-2]

के. बी. बी. उणी, डैस्क अधिकारी

New Delhi, the 29th December, 1995

S.O. 145.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in

the industrial dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 27-12-1995.

[No. L-12012/245/93-IR (B-II)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 143 of 1992

In the matter of dispute :

BETWEEN

Narendra Kumar Agnihotri
S/o Sri Ramesh Chandra
R/o 375 Mannuganj Golagokaran Nath
Lakhimpurkheri.

AND

Regional Manager
Punjab National Bank
Regional Office
156 Civil Lines
Bareilly.

AWARD

1. Central Government, Ministry of Labour, Government of India, New Delhi, vide its Notification No. L-12012/245/93-IR (B-II) dated 8-12-92, has referred the following dispute for adjudication to this Tribunal—

Whether the demand of Shri Narendra Kumar Agnihotri S/o Ramesh Chand Agnihotri, ex-employee of Punjab National Bank Golagokaranath Branch for reinstatement as peon w.e.f. 21-6-91 with full back wages is justified ? If so, what relief the workman is entitled to ?

2. Case of concerned workman is that he had worked at the post of peon under the opposite party during the period 5-7-89 to 20-8-91 continuously for about 2 years, one month and 15 days. When concerned workman raised demand for his regularisation opposite party terminated his services w.e.f. 21-8-91 verbally without giving him notice, notice pay and retrenchment compensation as per law. Juniors to concerned workman are still working under the management and without affording any opportunity of re-employment. Opposite party appointed new hands at the post of peon.

3. In their reply the opposite party has alleged that concerned workman was engaged to do only casual work of operating Generator Set as and when required for which payment at the agreed rate was made to him. He has never performed duties of a peon in the bank. Since Agnihotri was engaged for specific period for performing specific work at agreed rate his engagement came to end by efflux of time on completion of work. As such question of notice, notice pay and retrenchment compensation does not arise. It is also denied by the opposite party that Agnihotri is a workman.

4. After exchange of papers concerned workman failed to put in his appearance for giving his evidence. Hence management also did not give any evidence. In this way there is no evidence to prove the case of the concerned workman.

5. Hence my award is that the action of the management is justified and the concerned workman is entitled for no relief.

6. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 1995

का. आ. 146.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-12-95 को प्राप्त हुआ था।

[संख्या एल-41012/112/94-आई आर बी-1]

के. वि. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 29th December, 1995

S.O. 146.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on the 28-12-95.

[No. L-41012/112/94-IRBI]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 99 of 1995

In the matter of dispute between :

Working President (Zonal)
Uttar Railway Karamchhari Union,
96/196, Roshan Bajaj Lane Ganeshganj,
Lucknow.

AND

Senior Divisional Personnel Officer,
Northern Railway,
Hazaratganj,
Lucknow.

AWARD

1. The Central Government, Ministry of Labour, New Delhi vide its notification No. L-41012/112/94-I.R. (B-1) dated 7-8-95, has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management D.R.M., Northern Railway, Lucknow not to regularise the service of Shri A. K. Roy, workman as typist w.e.f. 17-8-1987 is legal and justified ? If not, to what relief he is entitled to ?”

2. In the instant case despite issue of notice neither the workman appeared nor filed statement of claim. It thus appears that the concerned workman is not interested in prosecuting his claim.

3. Therefore, in view of above the reference is decided against the concerned workman for want of pleadings and proof.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 दिसम्बर 1995

का. आ. 147.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28 दिसम्बर 1995 को प्राप्त हुआ था।

[संख्या एल 41011/33/89 आई०आर०बी आई]

के बी०बी०उन्नी डेस्क अधिकारी

New Delhi, the 29th December, 1995

S.O. 147.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Rly. and their workman, which was received by the Central Government on the 28-12-95.

[No. L-41011/33/89-IRBI]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR PALACE
ROAD, KANPUR

Industrial Dispute No. 76 of 1990 :

In the matter of dispute between :

The Assistant General Secretary,
Uttar Railway Karamchhari Union,
39-II-J Multistorey Rly. Colony,
Charbagh Lucknow.

AND

Chief Works Manager,
Loco Workshop,
Uttar Rly. Charbagh,
Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-41011/33/89/I.R.D.U. dt. 28-2-90 has referred the following dispute for adjudication to this Tribunal :—

“Whether the Chief Works Manager, Loco Workshop, Northern Rly. Lucknow was justified in terminating the services of Sri Harinder Singh and Jest Singh w.e.f. 13-12-86 as Khalasi. If not, what relief the workmen are entitled to ?”

2. The case of the concerned workmen is that they were appointed as Khallasis under the opposite party Northern Railway w.e.f. 23-4-84 and they were given temporary status. It is further alleged that their services were dispensed with without giving them retrenchment compensation

and notice pay on the ground of their having submitted false educational certificates. Their further case is that their services cannot be terminated by the employer without following enquiry proceedings. Therefore, their termination is illegal.

3. In their reply the opposite party alleged that the services of the concerned workmen were terminated after complying with the provisions of Sec. 25(f) of I.D. Act w.e.f. 13-12-86. It is further alleged that since the appointments of the concerned workmen were ab initio void hence there was no need of affording any opportunity. As such there is no violation of natural justice.

4. After exchange of papers the concerned workmen failed to put in their appearance for giving their evidence. Hence, management also did not give any evidence. In this way there is no evidence to prove the case of the concerned workmen.

5. Hence my award is that the termination of the concerned workmen w.e.f. 13-12-86 is justified. Consequently they are entitled for no relief.

6. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 1995

का. आ. 148.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28 दिसम्बर, 1995 को प्राप्त हुआ था।

[संख्या एल-41012/31/94-आईआर (बीआई I)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 29th December, 1995

S.O. 148.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Rly., and their workman, which was received by the Central Government on the 28-12-95.

[No. L-41012/31/94-I.R. (B.I.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 68 of 1995

In the matter of dispute between :

Asstt. General Secretary,
Uttar Railway Karamchhari Union,
39-II-J, Multistorey Railway Colony
Charbagh,
Lucknow.

AND

The Divisional Personnel Officer,
Northern Railway,
Hazratganj,
Lucknow.

AWARD

1. The Central Government, Ministry of Labour, New Delhi vide its notification No. L-41012/31/94-I.R. (B.I) dated 9-6-95, has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Northern Railway in terminating the services of Shri Sheo Murat, Gangman under P.W.I., Shri Krishna Nagar w.e.f. 30-9-1984 is just and legal? If not, to what relief is the workman concerned entitled to?”

2. In the instant case despite issue of notice neither the workman appeared nor filed statement of claim. It thus appears that the concerned workman is not interested in prosecuting his claim.

3. Therefore, in view of above the reference is decided against the concerned workman for want of pleadings and proof.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 1995

का. आ. 149.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल रेलवे के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28 दिसम्बर 1995 को प्राप्त हुआ था।

[संख्या एल-41012/37/92-आईआर (बीआई)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 29th December, 1995

S.O. 149.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Railway, and their workman, which was received by the Central Government on the 28-12-95.

[No. L-41012/37/92-I.R.(B.I.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 12 of 1995

In the matter of dispute between :

Sri Surendra Singh, President,
Rashtriya Chaturth Shreni Rail Mazdoor Congress,
(INTUC), 4, Hirapura, Nagra,
Jhansi.

AND

Divisional Rail Manager,
Central Railway,
Jhansi.

AWARD

1. The Central Government, Ministry of Labour, New Delhi, vide its notification No. L-41012/37/92-I.R. (B-3) dt. 13-1-95, has referred the following dispute for adjudication to this Tribunal :—

“Kya Mandal Rail Prabandhak Central Railway Jhansi dwara Shri Vishan Swaroop aur Shri Rakshpal Singh ko dinank 19-9-87 se nishkasit karna nyayochit hai ? Yadi nahi to sambandhit karmkar kis anutosh ka haqdar hai ?”

2. On 30-11-95, the authorised representative of the Union by his application dt. 30-11-95 has conceded before this Tribunal that matter connecting with the present reference has been referred in detail in I.D. No. 22 of 1995. As such he requested to treat the present reference as withdrawn.

3. Keeping in view of above submissions of the authorised representative for the Union, the present reference is treated as withdrawn.

4. Consequently Union/workmen are entitled for no relief.

5. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 1996

का.प्र. 150.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्थ ईस्टर्न रेलवे के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट का प्रकाशित करती है, जो केन्द्रीय सरकार को 28-12-95 को प्राप्त हुआ था।

[संख्या एल-41011/39/89-आई०आर०(बी०आई०)]
के०बी०बी०उन्नी, डेस्क अधिकारी

New Delhi, the 29th December, 1995

S.O. 150.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of North Eastern Railway, and their workman, which was received by the Central Government on 28-12-95.

[No. L-41011/39/89-I.R. (B-I)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 183 of 1990

In the matter of dispute between ,

General Secretary,
Purvottar Railway Shramik Sangh,
6 Navin Market,
Kaisarbagh Lucknow.

AND

Divisional Railway Manager,
North Eastern Railway,
Ashok Marg Lucknow.

AWARD

1. Central Government, Ministry of Labour, vide its notification No. L-41011/89/29-D.2(B) dated 21-2-90, has referred the following dispute for adjudication to this Tribunal :—

“Whether the Divisional Railway Manager North Eastern Railway, Lucknow was justified in terminating the services of Sh. Bhagwan and 6 others w.e.f. 5-8-87 ? If not what relief the workmen is entitled to ?”

2. This reference relate to seven workmen, namely, (1) Bhagwan, (2) Bhagwan Din, (3) Sukhai, (4) Rajaram, (5) Shiv Narain, (6) Swami Dayal and (7) Ram Chandra. In their claim statement they have alleged that Bhagwan had worked from 16-8-77 to 15-8-78, Bhagwan Din had worked from 16-8-71 to 15-8-72, Sukhai had worked from 16-8-67 to 15-8-68, Rajaram had worked from 16-8-82 to 15-8-83, Shiv Narain had worked from 16-8-81 to 15-8-83, Swamin Dayal had worked from 15-8-82 to 15-8-83 and Ram Chander had worked from 16-8-70 to 15-8-71. Thereafter it has no where been mentioned as to whether they have worked continuously from their respective date of employment or not. They have simply alleged that all except Ram Chander were removed from service on 15-8-87 whereas Ram Chander was removed from service on 15-10-86. Their termination is bad in law as there has been breach of section 25 H and G of I.D. Act.

3. In their written statement the railway has alleged that Shiv Narain has been given employment on 20-2-87. With regard to others it has been alleged that they have not worked continuously and have not acquired any status. Their employment was intermittent.

4. In their rejoinder it has been conceded by the workmen that they have not worked continuously. Instead they have worked intermittently from time to time.

5. In support of their case, the concerned workmen have filed affidavit of Ram Chander. However, he was not produced before Tribunal for cross examination, hence his statement cannot be read in evidence. The management is also debarred from giving evidence as they failed to do so inspite of repeated opportunities having been afforded to them.

6. In order to claim benefit of section 25F I.D. Act, it has to be established that the workmen had continuously worked for more than 240 days in a calendar year. There is no evidence worth the name to prove this fact. Simply filing of service card is not enough.

7. As regards coilation of section 25G, once again there is no evidence worth the name of prove that junior to workmen have been retained in service.

8. Hence, the case of the concerned workmen fails for want of proof. Accordingly my answer to the reference is in negative and consequently they are entitled for no relief.

9. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 1995

का.प्र. 151.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नार्थ ईस्टर्न रेलवे के प्रबन्धन के संबद्ध नियोजकों

और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-12-95 को प्राप्त हुआ था।

[संख्या एल-41012/115/94-आई०आर० (बीआई)]
के०वी०बी०उन्नी, डेस्क अधिकारी,

New Delhi, the 29th December, 1995

S.O. 151.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of North Eastern Rly., and their workman, which was received by the Central Government on 28-12-95.

[No. L-41012/115/94-I.R. (B.I.)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 91 of 1995

In the matter of dispute between :

Shri Ugam Prasad,
C/o. Sh. B. D. Tiwari,
96/196 Roshan Bajaj Lane,
Ganeshganj,
Lucknow.

AND

The District Electrical Engineer (W).
N. E. Railway,
Patnagar,
Bareilly.

AWARD

1. The Central Government, Ministry of Labour, New Delhi vide its notification No. L-41012/115/94-I.R. (B-I) dated 19-7-95, has referred the following dispute for adjudication to this Tribunal :—

"Whether the action of the management of N. E. Rly., Bareilly in termination the services of Shri Ugam Parshad, substitute Khalasi, w.e.f. 18-5-1985 is just and legal ? If not, to what relief the workman is entitled to ?"

2. In the instant case despite issue of notice neither the workman appeared nor filed statement of claim. It thus appears that the concerned workman is not interested in prosecuting his claim.

3. Therefore, in view of above the reference is decided against the concerned workman for want of pleadings and proof.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 1995

को. आ. 152.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचना में केन्द्रीय सरकार उत्तर रेलवे के प्रबन्धतंत्र के संबद्ध नियोजकों और

उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-12-95 को प्राप्त हुआ था।

[संख्या एल-41012/146/93-आई०आर० (बी०आई०) I]
के०वी०बी०उन्नी, डेस्क अधिकारी,

New Delhi, the 29th December, 1995

S.O. 152.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway and their workmen, which was received by the Central Government on 28-12-1995.

[No. L-41012/146/93-JR (B-I)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 41 of 1995

In the matter of dispute :

Shri B. D. Tiwari,
Zonal Working President,
Uttar Railway Karamchhari Union,
96/196 Roshan Bajaj Lane,
Ganeshganj,
Lucknow.

AND

Divisional Railway Manager,
Northern Railway,
Allahabad.

AWARD

1. The Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-41012/146/93-IR (B) dated 28-3-95, has referred the following dispute for adjudication to this Tribunal—

Kya Divisional Railway Manager, Uttar Railway Allahabad द्वारा Karamkar Shri Surendra Singh को दिनांक 8-1-88 से Hathaura वाला ना मन्ते हुआ और उसी पर का वेतन ना देना न्यायचित है ? यदि नही तो सम्बन्धी कर्मकर किस अनुतोष का हाक्दार है ?

2. In the instant case despite issue of notice neither the workman appeared nor filed statement of claim. It thus appears that the concerned workman is not interested in prosecuting his claim.

3. Therefore, in view of above the reference is decided against the concerned workman for want of pleadings and proof.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 1995

नई दिल्ली, 29 दिसम्बर, 1995

का.स्रा. 153.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबन्धतंत्र के तत्त्व नियोजकों और उनके कर्मकारों के बीच अनुबंध में निदिष्ट विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-12-95 को प्राप्त हुआ था।

[संख्या एल-41012/76/94-आई०आर०(बी०आई)]

के० बी० बी० उन्नी, डेस्क अधिकारी

New Delhi, the 29th December, 1995

S.O. 153.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 28-12-1995.

[No. L-41012/76/94-IR (B-I)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 93 of 1995

In the matter of dispute :

BETWEEN

The Zonal Vice President,
Uttar Railway Karamchhari Union,
39-II-J, Multistorey Railway Colony,
Charbagh,
Lucknow.

AND

Chief Works Manager,
Loco Workshop,
Uttar Railway,
Charbagh,
Lucknow.

AWARD

1. The Central Government, Ministry of Labour, New Delhi vide its Notification No. L-41012/76/94-IR (B-I) dated 19-7-95, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Northern Railway, Lucknow in reverting back S/Shri Ram Naresh T. No. E.S./447 and Sushil Kumar, T. No. E.S./200 Gunners as Slingers although they had passed the trade test and were promoted as Gunners vide S.O. No. 403 dated 9-7-92, is just and legal? If not, to what relief the concerned workmen entitled?

2. In the instant case despite issue of notice neither the workman appeared nor filed statement of claim. It thus appears that the concerned workman is not interested in prosecuting his claim.

3. Therefore, in view of above the reference is decided against the concerned workman for want of pleadings and proof.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

का. स्रा. 154.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नार्दन रेलवे के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-12-95 को प्राप्त हुआ था।

[संख्या एल-41012/102/89-आई०आर०(बी०-1)]

के०बी०बी० उन्नी, डेस्क अधिकारी,

New Delhi, the 29th December, 1995

S.O. 154.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 28-12-1995.

[No. L-41012/102/89-IR (B-I)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR KANPUR

Industrial Dispute No. 206 of 1990

In the matter of dispute :

BETWEEN

Dy. Chief Mechanical Engineer
Carriage and Wagon Workshop
Uttar Railway Alambagh
Lucknow.

AND

Assistant General Secretary
Uttar Railway Karamchhari Union
39-II Multistorey Railway Colony
Charbagh Lucknow.

AWARD

1. Central Government, Ministry of Labour, vide its Notification No. L-41012/102/89-IR (DU) dated 4th September 1990 has referred the following dispute for adjudication—

“Whether the Dy. C.M.E. C&W Shop, Northern Railway, Lucknow was justified in removing Sri Mohd. Ansar w.e.f. 2-2-63 and reducing the rank from Carpenter to Khalasi on appeal/review treating the intervening period as dies-non etc., hence entitled for the full benefits of service from 2-2-63 treating the workman as reinstated? If not, what relief the workman is entitled to?

2. Following facts are not in dispute. The concerned workman Mohd. Ansar was appointed as Trade Apprentice Carpenter in the C&W Shop Alambagh opposite party on 16-2-46. He was confirmed on 11-9-51 at this post. Subsequently he failed to report on duty, hence he was charge-sheeted for unauthorised absence from duty w.e.f. 8-7-62. The concerned workman did not participate in the enquiry hence it was concluded exparte. By order dated 2-2-62, he hence was concluded exparte. By order dated 2-2-63, he referred appeal on 3-1-64 which too was dismissed on 31-1-64.

Thereafter, the concerned workman kept on giving review application and other applications. Ultimately he was informed by General Manager (P) if he was willing he could be taken as Khalasi subject to medical fitness on compassionate ground and the intervening period be treated as "dies-non". The concerned workman accepted it and joined duty on 25-5-79. On 31-1-88 he retired. Thereafter the instant reference has been raised.

3. In the written statement the concerned workman has alleged that because of mental disorder he could not attend his duties and also participate in inquiry. His wife has moved an application but in vain. He was not afforded proper opportunity to defend himself in the enquiry, hence the enquiry report and consequent order of removal is bad in law. He will be deemed to be continued in service. As such the action of the management in treating the intervening period as dies non is also illegal.

4. The opposite party has filed reply in which it is denied that the concerned workman remained absent from duty because of illness. Well notice of enquiry was sent and it was reported that he was out of village. He deliberately did not join the duties. It was purely on compassionate ground that he was given a fresh chance by way of Khalasi. Since the concerned workman had accepted it without demur now he is estopped in challenging earlier removal order. Enquiry was fairly and properly held.

5. In this rejoinder the concerned workman has denied the factual pleas made in the written statement.

6. I have seen the appointment offer by which concerned workman was given offer to join as Khalasi. It shows that it is purely fresh appointment. The concerned workman has accepted it without any demur. In my opinion, under the circumstances this acceptance on the part of concerned workman at the post of khalasi should operate as Estoppel against the concerned workman as by his conduct by way of silence for about 12 years he has led the other side to believe that he was rightly removed from service. Hence on this ground alone the concerned workman cannot be allowed to challenge his earlier termination order.

7. On merits too the matter has become about 30 years old. It is not expected of the management railway to produce relevant papers regarding enquiry. If there has been any delay, it is the concerned workman who is responsible. Instead of making representation after dismissal he ought to have raised industrial dispute and by that time papers relating to inquiry would have been available. In my opinion, under the circumstances the concerned workman should not be allowed to impeach the validity of enquiry.

8. Consequently, on this basis the punishment can also not be challenged.

9. I may like to strike a note. Even if the concerned workman would have established its case of wrongful removal he would not have been entitled for any relief as reference has been sought at belated stage after retirement. If such stale claims are entertained it will have unsettling effects on the affairs of the railway.

10. In the end, my answer to the reference, is in the affirmative. Consequently he is entitled to no relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 1995

का. आ. 155—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन से संबंधित नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में 157 G1/96-4

निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण अल्पेपे के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार को 27-12-95 को प्राप्त हुआ था।

[संख्या एल 12012/233/92-आई० आर० (बी०-2)]

के०वी०बी० उन्नी, डेस्क अधिकारी

New Delhi, the 29th December, 1995

S.O. 155.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Alleppey as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 27-12-1995.

[No. L-12012/233/92-IR(B-ID)]

K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL, ALLEPPEY

(Dated, this the 4th day of December, 1995)

PRESENT:

Shri K. Kanakachandran, Industrial Tribunal.

I. D. No. 23/94

BETWEEN

The Regional Manager, Central Bank of India, Regional Office, Rajadhani Buildings, P.B. No. 5091, Fort. Thiruvananthapuram-695023.

AND

The Workman of the above concern Sri G. Sreekantan Nair, C/o H. B. Shenoy, General Secretary, Cochin Labour Union, Vatsal, Krishnaswamy Road, Kochi-682035.

REPRESENTATIONS:

M/s. Sidharth and Prakash, Advocates, Valanjambalam, 39/1387, Chittur Road, Ernakulam, Kochi-682016. For Management

M/s. H. B. Shenoy Associates, Advocates, "VATSAL", Krishnaswamy Road, Ernakulam, Kochi-682035. For Workman

AWARD

1. The Government of India by an Order No. L-12012/233/92-IR(B-ID) had initially referred this industrial dispute to the Industrial Tribunal, Kollam. Subsequently it was transferred to this Tribunal as per the Government of India's order dated 24-2-1994. The issue referred for adjudication reads as follows:—

"Whether the action of the management of Central Bank of India in denying employment to Shri G. Sreekantan Nair beyond June 1983 is legal and justifiable? If not, to what relief the workman is entitled?"

2. The management in this case is a banking company and it is an establishment coming under the purview of Industrial Disputes Act. The workman was engaged as a collection agent at the Kumaramparam branch of the Management Bank with effect from 24-1-1976. It is claimed by the workman that he was engaged as a Peon also in that branch. While working as Collection agent-cum-Peon it is alleged, his services were terminated.

3. In the claim statement filed by the workman it is stated that he was working in the Kumarapuram Branch of the Central Bank of India from the year 1976 onwards as a Peon-cum-Collection agent and while servicing like that his services were dispensed with without giving any notice and without revealing any reason. No charge sheet or memo was also given. Against that the workman approached the Bank by making a request to allow him to resume duty. Then he was told that since the matter was pending before the higher authorities of the Bank, nothing could be done and he would be informed in due course about the resumption for duty. In February 1992 he received a letter dated 13-2-1992 from the Kumarapuram Branch of the Bank urging him to meet the Manager. Accordingly, when he approached the Bank he was informed that his services were terminated. Before the termination of his service no notice or wages in lieu of notice was also given to him. Neither a charge sheet nor a show cause was given to him. Therefore the action of the management in terminating his services amounts to retrenchment. While effecting that retrenchment, none of the conditions stipulated in Section 25-F of the I.D. Act were complied by the management. It is also alleged that retrenchment of him was in violation of Section 25-G of the I.D. Act also and that was because another workman who was junior to him was retained in service at that time. Moreover the management's action in appointing fresh hands without considering his claim is violative of Section 25-H of the I.D. Act. It is further alleged that management had failed to carry out even the minimum conditions laid down in the Sastri Award while retrenching the services of a workman. After the termination of his service, the management had conducted written test for absorption of temporary workmen in the permanent cadre and they had selected some of the persons in their liking and that was done without giving a chance for the workman to appear for the test. When test and interview were conducted, even the juniors who rendered lesser service in the bank were called. Such workmen were eligible for absorption or regularisation in service in terms of the Circular No. C. 622 dated 12-3-1991 issued by the management Bank. Since he had put in more than 240 days of service during a period of 12 consecutive months, he should have been absorbed as per the Circular referred above. It is further stated that the rights he acquired cannot be abrogated by the management even through a Circular. Therefore his plea is for giving direction to the management to reinstate him in service with the benefit of back wages.

4. In the written statement filed by the management most of the contentions raised by the workman are disputed. It is alleged that the service of the workman as an authorised collection agent was terminated for having misappropriated some amount he collected. Since he was working only on a temporary basis, it was quite unnecessary to comply with provisions contained in Section 25-F of the I.D. Act. While he was working as an authorised collection agent, he failed to account the collection made from the parties. On knowing about his misdeeds, the Bank gave him sufficient warning. He was also asked not to open any new account without getting sufficient instruction from the Bank. He was also asked to surrender identity card issued to him by the Bank and also other receipts and stationery articles held by him. In his case no termination notice or wages in lieu of notice was required since he was engaged only on commission basis. The termination of his service will not amount to retrenchment as contended by him. Only because the management bank had lost confidence in him, he was asked to stop the collection work entrusted to him. Though no formal charge sheet was given to him, the management has got every right to terminate his services because they had lost confidence in him. The rules of retrenchment do not apply in his case because he was engaged on commission basis. Only because of the loss of confidence in him, he was not called for test and interview while making absorption of temporary employees belonging to the last grade. In view of these reasons, his claim is only to be rejected according to the management.

5. Both sides adduced oral and documentary evidence. After the closing of the evidence by both sides, a petition was filed on the side of the workman praying for another opportunity to adduce some kind of additional evidence. That plea of the workman was objected by the management. The reason

for reopening evidence is only to mark a document, which is a copy of the letter written by Regional Manager of the Bank and addressed to the Assistant Labour Commissioner (Central) who is also the Conciliation Officer in this dispute. That letter is dated 18th May, 1992. That letter is in the letter head of the management-Bank duly signed by its Regional Manager at Trivandrum. The workman wanted to bring in evidence only the content of that letter as piece of evidence in this dispute. Since the authenticity of that letter is not disputed by the management, at the time of final hearing, that was marked as a Court document Ext. C1. It is useful to quote a portion of that letter Ext. C1 dated 18th May, 1992.

"On a perusal of our records it is seen that the petitioner was engaged as an Authorised Collecting Agent (Mini Collector) for our Kumarapuram Branch for the period from 24-1-1976 till 28-5-1983. During the period, the petitioner was engaged as a Peon temporarily for our Kumarapuram Branch. The member had in the work of collection and accounting to Mini deposits he committed certain lapses for which the services of Mr. Sreekantan Nair was terminated by the Bank Management in the year 1983. After 1983 the member was also not engaged as a temporary peon. Due to the loss of confidence in the member, it has been decided by the top Management not to reinstate the member in the Bank's service."

6. From the above communication it is very clear that the workman herein was temporarily employed as a Peon also for a period from 24-1-1976 to 28-5-1983. It is further stated that after 1983 the workman was not at all engaged as a temporary peon. Therefore it is an admitted fact for about 7 years continuously the workman was engaged as a peon also on temporary basis. Even assuming that he was not having the status of an employee on account of the fact that he was only a collection agent, the fact that he was a temporary peon cannot be discarded from the very admission contained in Ext. C1 document which was sent by the Regional Manager of the Management Bank after verifying the records of the Kumarapuram Branch. It is also evident from that letter that due to the loss of confidence in him it was decided by the management not to reinstate the workman in the bank's service. In the light of the facts revealed from Ext. C1 it is abundantly clear that the workman was employed as a temporary peon also for about 7 years and beyond the banking hours, he was working as a mini deposit collector also. Evidently he had to his credit more than 240 days of service. The dispensation of service in his case is also admitted by the management. Evidence reveals that such termination was without complying with any of the formalities contemplated in Section 25-F of the I.D. Act. In view of these, dispensation of his service under the management can only be declared as null and void. He is entitled for reinstatement with benefit of back wages.

7. The learned counsel for the management has submitted that this dispute itself is highly belated, because, the alleged termination was in the year 1983 and this dispute is raised only in March 1992. To counter that argument, the learned counsel for the workman has brought to the notice Ext. W1 letter received by the workman which is dated 13-2-1992. In that letter the workman was asked by the Branch Manager of the Kumarapuram branch to meet him to discuss some matters regarding the deposit collection. That is suggestive of the fact that the issue with the workman was not at all finally settled by the management although they had restrained the workman from continuing the work of Peon and Deposit Collector. Therefore, according to me, it cannot be said that this claim is highly belated because even in 1992 negotiations were going on between the workman and the management on the settlement of some accounts with him.

8. At the time of final hearing it was brought to the notice of this Tribunal some circulars issued from the Head Office of the management Bank. In a circular dated 12-3-1991 which was produced by the management it is stated that temporary employees who have put in 240 days of temporary service in any continuous period of 12 months from 1-1-1982 upto 31-12-1990 will be considered for absorption in the immediate available vacancies without any test or interview. That circular was issued pursuant to the settlement between

the employees federation and the management. To the benefits provided in the circular, the workman is entitled because, from 1-1-1982 to the date of his termination, he had to his credit more than 240 days of continuous service. In view of these facts management should see whether he can be absorbed in the regular service of the Bank on his reinstatement pursuant to the direction contained in his award.

9. In the result, an award is passed holding that denial of employment on account of termination of services of the workman concerned was illegal. He is entitled for reinstatement with benefit of back wages. After the reinstatement, on sufficient reasons if the management feels that he is not fit for employment in service, the management will be at liberty to take appropriate action in accordance with law for the dispensation of his service.

Award is passed accordingly.

(Dated, this the 4th day of December, 1995).

K. KANAKACHANDRAN, Industrial Tribunal

APPENDIX

(I.D. No. 23/94)

Witness examined on the side of the Workman :—

MW1 : G. V. R. S. Maniyan.

Witness examined on the side of the Workman :—

W1 : G. Sreekantan Nair.

Exhibits marked on the side of the Management

M1 : Letter dated 23-11-1984 of G. Sreekantan Nair addressed to the Branch Manager, Central Bank of India, Kumarapuram.

M2 : Letter dated 28-01-1984 issued to the Workman by the Branch Manager, Central Bank of India, Kumarapuram.

M3 : Termination letter No. KUM Msc. 84-16 dated 18-2-1984 issued to the workman by the Branch Manager, CBI, Kumarapuram.

Exhibits marked on the side of the Workman :—

W1 : Letter dated 13-02-1992 sent to the Workman by the Manager, CBI, Kumarapuram.

W2 : Specimen of the appointment order as Bank's Authorised Collection Agent for collection of Central's Mini Deposits.

W3 : Proforma of agreement regarding Pigmy Deposit Collector.

Court Exhibits :—

C1 : Letter No. TRO : LEGAL : 92-93 : 65 dated 18th May, 1992 of Regional Manager, CBI, Trivandrum addressed to the Assistant Labour Commissioner (Central) and Conciliation Officer, Trivandrum.

नई दिल्ली, 29 दिसम्बर, 1995

का. भा. 156.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबन्धतंत्र से संबंधित नियोजकों और उनके कर्मचारों के बीच केन्द्रीय अनुबंध में निश्चित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण-2 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार ने 27-12-95 को प्राप्त हुआ था।

[संख्या एल-12012/162/92/आई एर (बी-2)]
के.वी.बी. उन्नी, हेड ऑफिसर

New Delhi, the 29th December, 1995

S.O. 156.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government no 27-12-95.

[No. L-12012/162/92-IR(B-II)]

K. V. B. UNNI, 'Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/63 OF 1992

Employers in relation to the management of Bank of India

AND

Their Workmen

APPEARANCE :

For the Employer—Mr. L. L. D'Souza, Representative.
For the Workmen : Mr. Anil Phouzdar Representative.

Bombay, dated 27th November, 1995

AWARD

The Government of India, Ministry of Labour, by its letter No. L-12012/162/92-IR(B-II) dt. 28-10-92 had referred to the following Industrial Dispute for adjudication :

"Whether the action of the management of Bank of India, Alibag Region, in not absorbing Mr. Dilip Badekar as full time Sepoy at Karjat Branch of Alibag Region from the date of sanction of permanent vacancy, i.e. 31-8-84 is legal and justified? If not, to what relief is the workman entitled?"

2. The Union filed statement of claim at Ex-'2' and the Management filed its Written Statement at Ex-'3'.

3. The parties filed documents and also filed affidavits. The witnesses were cross-examined and ultimately the Union's evidence was completed. When the case for leading evidence on behalf of the management, there was a talk in respect of settlement. Then the matter was adjourned for sometime and at last today the parties to the reference had filed consent terms. They agree for the same and prayed that the Award may be passed in terms of consent. I verified from the worker whether he agree for the same. He answered in the affirmative, General Secretary of the Union so also the Zonal Secretary have signed the consent terms. The management side also signed the consent terms. I accept the same and pass the following Award.

4. In view of the consent terms (Ex-12) it is hereby ordered :

ORDER

- The Bank agrees to absorb Shri Dilip T. Badekar as a full-time Sub-staff sepoy w.e.f. 27th November, 1995 at its CBD Belapur Branch.
- Shri Badekar agrees to accept the said posting w.e.f. 27-11-1995 as a full and final settlement of all his claims involved in the present reference.
- In view of the aforesaid, the Union and Shri Badekar will have no claims of whatsoever nature against the present reference.
- The Bank will issue an appropriate appointment letter to Shri Badekar on the usual terms and conditions as applicable to the Sub-staff category of the Bank.

S. B. PANSE, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 1995

का. भा. 157.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इन्श्योरन्स कं लि. के प्रबन्धतंत्र में संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-12-95 को प्राप्त हुआ था।

[संख्या एल-17012/45/92-आईआर (बी-2)]

के.वी.बी.उन्नी, डेस्क अधिकारी

New Delhi, the 29th December, 1995

S.O. 157.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Insurance Co. Ltd. and their workmen, which was received by the Central Government on 27-12-95.

[No. L-17012/45/92-IR(B-II)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 148 of 1992

In the matter of dispute between :

The General Secretary,
General Insurance Employees Congress (Central) Zone
602, Rajendra Nagar,
Lucknow.

AND

General Manager,
National Insurance Company,
Hazaratganj, Lucknow.

AWARD

1. Central Government, Ministry of Labour, vide its notification No. L-17012/45/92-IR. B-2 dt. 4-12-92, has referred the following dispute for adjudication to this Tribunal :—

"Whether the claim of the General Insurance Employees Congress Lucknow that O. P. Maurya Assistant (T) is entitled to be regularised in the service of National Insurance Co. Ltd. w.e.f. 6-9-84, is justified? If not, what relief the workman is entitled to?"

2. The concerned workman was appointed as Temporary Typist on 12-8-83 by the opposite party and in that capacity worked upto 6-9-84 when the opposite party with a view to deprive the workman from attaining the status of regular employee abruptly terminated his services. The workman has given details of period alleging that he has completed for more than 240 days. The denial of the management to regularise the services of the workman w.e.f. 6-9-84 is unjust and an act of exploitation of workman.

3. In their reply opposite party deny that the workman has ever completed 240 days continuously, preceding one year from the date of his cessation of wrk. Sri Maurya stopped working w.e.f. 12-4-88. On the request of O. P. Maurya he was regularised in the service of the company as per circular letter No. Ref/MOL/Deptt-F/20 w.e.f. 5-7-88. As such workman is entitled to no relief.

4. After exchange of papers concerned workman failed to put in his appearance for giving their evidence. Hence, management also did not give any evidence. In this way there is no evidence to prove the case of the concerned workman.

5. Hence my award is that the action of the management is justified and the concerned workman is entitled for no relief.

6. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 1995

का. भा. 158.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक आफ इंडिया के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण, अलेप्पे के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-12-95 को प्राप्त हुआ था।

[सं. एल-12012/242/92/आईआर (बी-2)]

के.वी.बी.उन्नी, डेस्क अधिकारी

New Delhi, the 29th December, 1995

S.O. 158.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Alleppey as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 27-12-95.

[No. L-12012/242/92-IR(B-II)]
K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL,
ALLEPPEY

(Dated this the 16th day of December, 1995)

PRESENT :

SHRI K. KANAKACHANDRAN, Industrial Tribunal.

I. D. No. 24/94

BETWEEN

The Regional Manager, Central Bank of India, Regional Office, Rajadhami Building, P.B. No. : 5091, Fort, Thiruvananthapuram-695023.

AND

The worker of the above concern Smt. R. Lekhakumari, C/o. Shri H. B. Shenoy, General Secretary, Cochin Labour Union, Vatsal, Krishnaswamy Road, Kochi-682035.

REPRESENTATIONS :

M/s. V. V. Sidharthan, P. K. Muraleedharan & T. Sajil, Advocates, Valanjambalam, 39/1387, Chittoor Road, Ernakulam, Kochi-682 016.—For Management.

M/s. H. B. Shenoy, Associates, Advocates, 'VATSAL',
Krishnaswamy Road, Ernakulam, Kochi-682 035—
For Worker.

AWARD

1. This industrial dispute was initially referred to the Industrial Tribunal, Quilon by the order No. : L-12012/242/92-IR (B-II) dated 2-12-1992 of the Government of India. During the pendency of the dispute before that Tribunal, the Government of India by another order dated 24-2-1994 had ordered the transfer of the dispute to this Tribunal on account of the request made by the worker concerned. On receipt of the file from the Industrial Tribunal, Quilon, it was numbered as I. D. 24/94 before this Tribunal. The issue referred for adjudication reads :—

“Whether the action of the management of Central Bank of India in denying employment to Smt. R. Lekhakumari beyond 13-10-1989 is legal and justified ? If not, to what relief the workman is entitled ?”

2. Both sides entered appearance and filed their respective statements. In the claim statement filed by the worker it is stated that she commenced service as a Peon-cum-Safai Karmachari (Sweeper) in the management Bank in the year 1987. No appointment letter was given to her. She was appointed in a regular vacancy of Sweeper and was doing permanent nature of work. However she was not given the wage benefits attached to the post of Peon-cum-Sweeper. Although several times requests were made to regularise her service, no steps were taken by the management. Instead, they dispensed with her service from 13-10-1989 onwards. It is alleged that the notice of the management is in violation of Sec. 25-F, 25-G, and 25-H of the Industrial Disputes Act and also in violation of various provisions contained in the Sastri Award prevailing in the Banking Industry. It is further alleged that management used to appoint employees, especially the sub-staff, on temporary basis and that is with a view to deny them rights and privileges of a permanent employees. In order to achieve the object, the temporary appointees are not permitted to sign any attendance register. No record of service is also maintained in their case. After the termination of service of the worker, the management had conducted a written test for the absorption of temporary workmen on 4-3-1992. The worker herein who had rendered service for a long time was not called for any written test or interview. Some of the persons to the liking of the management were appointed ignoring the better claims of workman who had about 2 years of service. Moreover the worker herein was eligible even for absorption or for regularisation in terms of the Circular No. : C. 622 dated 12-3-1991 issued by the management Bank. Therefore the plea raised in the claim statement is for a reinstatement of the worker in service with the benefit of backwages and continuity of service.

3. The management in their written statement has disputed several contentions raised in the claim statements. According to them the worker has not worked as an employee in the Central Bank of India. Therefore the provisions contained in the Sastri Award and bipartite settlements are not applicable in her case. The worker herein was employed only on casual basis as part-time Safai Karmachari and her employment was purely on daily wages and casual basis. The contention that she was engaged in a regular vacancy to do regular nature of work is also denied by the management. Since she was having only the status of a casual worker, she is not entitled to seek protections contained in any of the provisions of I.D. Act or bipartite settlement or Sastri Award. Since her appointment was only casual in nature, there was no need for giving any appointment order. Regarding her claim for absorption in service it is contended that since she was not found eligible, she was not called for written test and interview. Since she does not satisfy any of the conditions contained in the Circular No. 622, she cannot be considered for any kind of absorption. At no occasion she was retrenched from service. Therefore there was no need for giving any notice or compensation. Since she had not completed 240 days of service immediately preceding one year, for no protection under I.D. Act, the worker is entitled.

4. Both sides adduced evidence. The concerned worker herself had tendered evidence. According to her she had worked in several branches of the management Bank. According to her she started service in March 1987 and her services were dispensed with in January 1990. During the years 1987 to 1990, she had worked 337 days and in the one year preceding her termination, she had worked 253 days. She further deposed that since she had worked for more than 240 days of service, she is entitled for absorption in the regular service.

5. On the side of management an Officer of its Trivandrum Regional Office had tendered evidence as MW1. He denies that the worker had worked as Peon-cum-Sweeper. According to MW1 she worked only as a Sweeper on casual basis. However he had admitted in the cross-examination that when he was working as the Manager in the Marathady Branch from June 1987 to June 1991, there was no regular Sweeper. According to him the worker concerned herein was also engaged as a Sweeper on casual basis. But there is no document with him to show how many days she worked as casual worker. He has admitted that while counting the total number of days, the intervening Sundays and holidays were not taken into account. He had further admitted that after stopping the casual engagement of worker herein, another Sweeper was appointed on regular basis.

6. From the pleadings and evidence adduced in this dispute, the issue coming up for consideration is whether this worker had to her credit 240 days of service during the period of 12 months immediately preceding the date of alleged termination of her service in order to seek relief under the I.D. Act.

7. Ext. W1 is a copy of the minutes of conciliation proceedings duly signed by the Assistant Labour Commissioner (Central) Trivandrum. In that minute which is marked as Ext. W1, it is stated like this :

“The representative of the management stated that the case of K. Lekhakumari could not be considered for re-employment as according to their records, she had put in only 235 days during the period of 12 consecutive months of her employment spreading from 1987 to 1988. This being the position, she expressed her inability to entertain the demand of the workman”.

7. The above representation made by the Deputy Chief Officer of Central Bank of India shows that the worker had to her credit 235 days of service in the course of 12 consecutive months. MW1 has admitted in the cross-examination that while counting the total number of days, the intervening Sundays were not taken into account. From this admitted position it is clear that for getting benefits contemplated in the Industrial Disputes Act only 5 more days were required. If the intervening Sundays are also included it is very clear the worker would have to her credit more than 240 days of service during a period of 12 consecutive months. In that case she is entitled for protection as envisaged in Sec. 25-F of the I.D. Act. Admittedly in this case while dispensing with her service, the management had not given either notice of one month or in lie of such notice one month's wages and the retrenchment compensation. The reason for dispensing with her service was also not made known to her. Therefore evidently there is clear violation of Sec. 25-F of the I.D. Act when the services of the workman were terminated. Therefore it is declared that she is entitled for reinstatement with the benefit of backwages. The backwages in her case shall be counted at the rate which were prevailing from time to time till the date of her reinstatement.

8. In the course of evidence the workman filed a petition for causing production of two circulars issued by the Management. One is a Head Office circular dated 12-3-1991 and other is a settlement dated 24-12-1990. In that circular which is relating to absorption of temporary employees, provision is made to give absorption to the temporary employees who had put in 240 days of temporary service in any continuous period of 12 months after 1-1-1982 and upto 31-12-1990. It is further stated therein that such person shall be considered for absorption in the immediate available vacancy without any test or interview. That circular covers the Safai Karmachari (Sweepers) also. Even assuming that the worker herein was

not at all working as a Peon, it is an admitted case of the management themselves that she was working as Safai Karmachari (Sweeper). As observed earlier, she had to her credit more than 240 days of temporary service during the period stipulated in the circular and in that case she is also eligible for absorption in regular service. The management will look into this aspect also while reinstating the worker in service in terms of this award.

Award is passed accordingly.

(Dated this the 16th day of December, 1995).

C. KANAKACHANDRAN, Industrial Tribunal
APPENDIX

No. I.D. 24/94 (C)

Witness examined on the side of the Management :—
MW1 : K. Basheer.

Witness examined on the side of the Workman :—
WW1 : Lekhakumari.

Exhibits marked on the side of the Management :—

Nil

Exhibits marked on the side of the Workman :—

W1 : Minute of conciliation proceedings held on 25-5-92.

नई दिल्ली, 29 दिसम्बर, 1995

का. आ. 159.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एक सी आई के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई नं. 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-12-95 को प्राप्त हुआ था।

[संख्या एल-22012/278/एफ/91 आईआर(सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 29th December, 1995

S.O. 159.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. 2, as shown in the Annexure in the industrial dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on the 22-12-95.

[No. L-22012/278/F/91-IR C-II]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, BOMBAY

PRESENTS :

Shri S. P. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/6 OF 1992

Employers in relation to the management of Food Corporation of India

AND

Their Workmen

APPEARANCES :

For the Employers : Shri B. M. Masurkar Advocate.
For the Workmen : Shri M. B. Anchan Advocate.

Bombay, dated 4th December, 1995

AWARD

The Government of India, Ministry of Labour, by its letter No. L-22012/278/F/91-IR(C.II) dated 29-1-92 had referred to the following Industrial Dispute for adjudication.

"Whether the action of the management of Food Corporation of India, Bombay on changing the working hours of all staff working in Port Operation at Indira Dock, 14/15 from 8.00 hours to 15.30 hours through a circular on 10th January, 1989 at Bombay Port and with-holding synchronisation allowance unilaterally w.e.f. 20-11-89 without complying the provisions of I.D. Act, 1947 is just, legal and proper ? If not, to what relief are those workmen entitled to ?"

2. The Secretary of the Food Corporation of India Employees Association filed a statement of claim (Ex-2). It is pleaded that the working hours of the Port and Docks were from 8 hrs. to 17 hrs. This practice was in vogue for a long time. On 21-6-85 the management gave a notice of change u/s. 9-A of the Industrial Disputes Act of 1947 to change the working hours i.e., from 8 hrs. to 17 hrs. with a lunch break of one hour between 12 hours to 13 hrs. to 8.00 hrs. to 15.30 hrs. with the same lunch break. Accordingly duty hours of the staff working in docks were changed from 22-7-1985.

3. On 18-8-88 on agreements which came to be settled between different Unions and the management. One of the demand settled in the said agreement regarding synchronisation of working hours of Depot staff with the working hours of the departmental labourers for full utilisation of man powers in the national interest with the appropriate rates of Synchronisation allowance. It was fixed at 1-1/4 of the ordinary hourly rates. By these the working hours, the duty hours of the staff working in the port/Docks for the port operations stood restored to its original position i.e. from 8 hrs. to 17 hrs. from 18-8-88. The operation staff was getting a synchronisation allowance at that rate up to 10-1-89. By the circular dt. 10-1-89 the management unilaterally changed the working hours of Port Operations from 8.00 hrs. to 15.30 hrs. While effecting such a change no notice contemplated u/s. 9A of the I.D. Act of 1947 was given. It is therefore, the change is illegal. By making such a change the workers have been deprived of their legitimate right to Synchronisation allowance.

4. It is therefore prayed that the management may be directed to restore the working hours of the workmen which was on force prior to issue of circular dated 10-1-89 that to pay the arrears of Synchronisation allowance w.e.f. 10-1-89 to 8-12-89 to all concerned staff of F.C.I. who were working in the Docks operations, and who put their attendance during the said period.

5. The management resisted the claim by the written statement Ex-3'. It is averred that no notice contemplated u/s. 9A of the Industrial Disputes Act of 1947 is required to be given in this particular case as it was already given on 21-6-85. It is averred that the agreement dated 3-5-88 relates to payment of Synchronisation allowance to particular depots only. The Bombay Docks was not included in it. As a result of further understanding between the management of F.C.I. and N.C.C. the former agreed to pay synchronisation allowance at the higher rate to the Bombay Docks Operation staff also up to 31-12-88. Since the work relating to import of food grains continued beyond 31-2-88 the management on their own sanctioned such a payment of synchronisation allowance upto 31-3-89 whenever the dock operation staffs working hours had to be synchronized with those of F.C.I.'s Labour. B.L.P. Labour and B.P.T. Labour.

6. It is pleaded that the work connected with the import of foodgrains in the Dock area came to an end on 10-1-89, therefore there was no work in the Docks operations staff w.e.f. 11-1-88. Naturally there was no need to employ the docks operation staff on overtime duty from 3.30 p.m. to 5.00 p.m. It is therefore decided by the management to stop overtime duty for the said staff. It is therefore the circular dtd. 10-1-89 is corrected by corrigendum dated 11-1-89 was issued. By the said letter it was only informed that the overtime work of 7-1/2 Hours from 3.30 p.m. to 5.00 p.m. had been done away as there was no need for such a work and the actual working hours from 8.00 a.m. to 3.30 p.m. remained unchanged. It is submitted that for all these reasons the Industrial Dispute which is tried to be raised by the union has no merit. It may be answered in the Management's favour.

7. My Learned predecessor framed issues at Ex-'5'. The issues and my findings there on are as follows :

Issues	Findings
1. Whether while effecting the change in the working hours of the Post Operations Staff by the Circular dtd. 10-1-89, the management of the Food Corporation of India committed a breach of the provisions contained in Section 9-A of the Industrial Disputes Act?	No
2. Whether the action of the Mgt. of Food Corporation of India, Bombay, on changing the working hours at all staff working in Port Operation at Indira Dock, 14/15 from 8.00 hrs. to 15.30 Hrs. through a circular on 10th January, 1989 at Bombay Port and withholding the Synchronisation allowance unilaterally w.e.f. 20-11-89 without complying the provisions of I.D. Act, 1947, is just, legal and proper ?	Yes
3. If not, to what relief are these workmen entitled ?	Does not survive
4. What Award ?	As per final order

REASONS

8. Gurunath Arjun Sarang (Ex-'8'), Secretary of the Union affirmed that the working hours of the Docks were from 8 hrs. to 17 hrs. That practice was continuing for a long time. On 21-6-85 the management gave a notice of change u/s. 9A of the Industrial Disputes Act for changing the existing working hours from 8 hrs. to 17 hrs. with a break of one hour between 12 hours to 13 hrs. to 8 hrs. to 15.30 hrs. with the same time of lunch break. Such a change came into effect from 22-7-85. A. Kannapiran (Ex-'10') the witness for the management corroborated statement of Sarang on this point. But he states that such a change was effected because there were three types of labourers who were in the Bombay Docks, namely Stevedore's labour belonging to Dock Labour Court, B.P.T. Labour including Winchmen and Crane Operators and thirdly F.C.I. Labour registered with E.I.B. for the work of off loading to barging of foodgrains on trucks and Railway wagons from the B.P.T. sheds. The working hours of these labourers were from 8 hours to 17 hours with a lunch break of 12 hrs. to 13 hrs. So far as the Docks Operations staff was concerned their working hours were from 9.30 a.m. to 5 p.m. with one hour lunch break from 12.00 noon to 1.00 p.m. Thus there was a difference of 1-1/2 hours on the start of the working hours in the morning resulting in the absence of supervision over the labourers during the first 1-1/2 hrs. In fact these hours are most productive since the labourers are fresh and capable of giving the best turn over of work in that period. Because of the non-availability of the supervisors in these crucial hours it was found that the total

work in that day was affected. It is therefore, decided the synchronise the working hours. Therefore a notice was given.

9. It is not in dispute that on 3-5-87 an agreement took place with the management and different unions which came into existence from 18-8-88. (Ex-4/2). It is not in dispute that the Bombay Docks Operation staff had not been included in the depots in respect of which the agreement had been executed, and such a synchronisation allowance of 1-1/2 hrs. 1-1/4 times of the ordinary rate was not being paid to the Bombay Docks operation staff. They were getting overtime allowance at the normal hourly rates for these 1 & 1-1/2 hours which was less than synchronisation allowance. As a result of the request made by the union the management agreed to extend the benefit of the higher synchronisation allowance i.e. to say 1-1/4th times the ordinary rates to Bombay Docks Operation staff. A circular dtd. 31-3-89 was issued granting such an allowance up to 31-3-89.

10. It is very clear from the above said discussion that the Bombay Docks Operation staff started getting Synchronisation allowance not by virtue of agreement dtd. 3-5-87 but because of the extension of benefit of that agreement extended to them by a separate order. Further it was for specific period i.e. up to 31-3-89. It was to be paid to them when they worked as over time and not otherwise. It is argued on behalf of the management as it was given by order the management could withdraw it when there was no need of the overtime. I find substance in it. It can be further seen that this allowance which was paid was by an overtime allowance which cannot be a part of the service conditions of the staff. Hence no notice is required to be given u/s. 9A of the Industrial Disputes Act.

10. Mr. Anchan the Learned Advocate for the union tried to argue that overtime allowance and synchronisation allowance is not one and the same. He submitted that the first one is paid to the workers when their duty hours were synchronised as other staff i.e. departmental labours. It is compulsory and the staff has no option but to work. In the case of overtime the staff could refuse the overtime. He further argued that the overtime is restricted on the quantum of work i.e. if the work is available then only the staff are asked to work over time. But in the case of synchronised working hours whether work is there or not he has to remain in the office. For synchronising working hours no sanction is required but for overtime a sanction is required. The staff is required to remain present at the time of synchronisation but as far as overtime is concerned he could go home after the work is over. The management on the other hand tried to argue that the argument which was addressed by Mr. Anchan the Learned Advocate for the Union is misplaced. According to them by the change of notice dtd. 21-7-85 (Ex-4/5) a change was effected in working hours. It is submitted that the word used in the circular dtd. 13-12-88 showing the working hours were synchronised hourly goes to show additional synchronised hours were not a part of all their duty working hours but the staff was to work greater hours only when there was work for overtime from 3.30 p.m. to 5.00 p.m. This is the basic difference between synchronisation of working hours in depot staff and synchronisation of working hours in the Docks Operation staff. The differences between other depot workers and the Bombay Docks Operation staff is the order of the management. It can be paid to them only when there was an overtime. I find substance in the argument of the management that Synchronisation of working hours of the Docks Operation staff of Indira Docks, Bombay has to be understood as nothing else but "Overtime Working Hours".

11. A Kannapiram (Ex-10) affirmed that synchronisation allowance and the overtime is one and the same. So far as the union is concerned there is no such difference. I find substance in it. For all these reasons I find that the synchronisation of working hours introduced from 22-7-87 not for compulsory operate of the working hours so far as the Bombay Docks Operation staff is concerned and those extra 1-1/2 hours being simply in the nature of overtime working hours could be withdrawn by the management without giving notice u/s.

9A of the Industrial Disputes Act. I record my findings on the issues accordingly and pass the following order :

ORDER

The action of the management of Food Corporation of India, Bombay on changing the working hours of all staff working at Port Operation at Indira Dock, 14/15 from 8.00 hrs. to 15.30 hrs. through a circular on 10th January, 1989 at Bombay Port and withholding the synchronisation allowance unilaterally w.e.f. 20-11-89 without complying the provisions of I.D. Act, 1947 is just, legal and proper.

S. B. PANSE, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 1995

का.आ. 160.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस ई सी एल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-12-95 को प्राप्त हुआ था।

[संख्या एल - 22012/349/92 आई आर (सी-II)]

New Delhi, the 29th December, 1995

S.O. 160.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.E.C. Ltd. and their workmen, which was received by the Central Government on 27-12-1995.

[No. L-22012/349/92-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALUR (MP)

Case Ref. No. CGIT/LC(R)(57)/1993

BETWEEN

The General Secretary, S.I.M.S. (AITUC), Bistrampur Area, C/o Shri M. I. Jain, Near Panchayati Mandir, Shahdol (MP).

AND

The General Manager, Bistrampur Area of S.E.C.L. P.O. Bistrampur Colliery, District Surguja (MP)

PRESIDED IN :

By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman—Shri M. I. Jain.

For Management—Shri R. Mukhyopadhyaya.

INDUSTRY : Coal Mine DISTRICT : Surguja (MP)

AWARD

Dated, the 16th November, 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012/349/92-IR (C-II) dated 5-3-1993, for adjudication of the following industrial dispute :

SCHEDULE

"Whether the action of the General Manager, Bistrampur Area of SECL in not allowing travelling allowances to employees on their retirement, proceeding to their home-town of the place where they intend to settle in contravention of Rule 14 of CIL T.A. Rules is legal and justified ? If not, to what relief the employees are entitled to ?"

2. Workman has not filed the statement of claim in spite of the repeated opportunities granted to the workman to file the same. However, on 11-9-1995, the workman and

the management has prayed to pass a no dispute award. It is clear that the parties are not interested in pursuing the dispute. No dispute award is hereby passed. No order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 1995

का.आ. 161.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस ई सी एल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-12-95 को प्राप्त हुआ था।

[संख्या एल - 22012/428/91 आई आर (सी - II)]

राजालाल, डेस्क अधिकारी

New Delhi, the 29th December, 1995

S.O. 161.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.E.C. Ltd. and their workmen, which was received by the Central Government on 27-12-1995.

[No. L-22012/428/91-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALUR (MP)
Case Ref. No. CGIT/LC(R)(52)/1992

BETWEEN

Shri Dongra represented through the Secretary, National Colliery Workers Federation, P.O. Kotma Colliery, District Shahdol (MP).

AND

The General Manager/Sub-Area Manager, Colliery of SECL, P.O. Kotma Colliery, District Shahdol (MP).

PRESIDED IN :

By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman—Shri Rohit Arya, Advocate.

For Management—Shri R. Mukhyopadhyaya.

INDUSTRY : Coal Mine DISTRICT : Shahdol (MP)

AWARD

Dated, the 16th November, 1995

This is a reference made by the Central Government Ministry of Labour, vide its Notification No. L-22012/428/91-IR (C-II) dated 9-3-1992, for adjudication of the following industrial dispute :

SCHEDULE

"Whether the action of the Sub-Area Manager, Kotma Colliery of SECL P.O. Kotma Colliery, Dist. Shahdol, in dismissing Shri Dongra, Loader, No. 1305 from Company's service w.e.f. 10-5-1990 is legal and justified ? If not, to what relief is the workman entitled to ?"

2. Parties have entered into the settlement. The settlement dated 7-1-1995 is perused and it is just and proper. Workman has not appeared to verify the settlement in spite of repeated notices sent to the workman. Following are the terms of settlement :

TERMS OF SETTLEMENT

1. That Shri Dongra S/o Nansai shall be given fresh employment in his substantive post of piece rated Loader with initial basic pay.

2. That he will have no claim whatsoever for the idle period i.e. from the date of his termination to the date of his reinstatement and this period will be treated as No work No pay.
 3. That his past service will be counted for the purpose of calculation of gratuity only.
 4. That he will not re-open the case in future in any forum and this will be treated as full and final settlement.
 5. That his reinstatement will be subject to his being found medically fit by the M.S. I/C, RHKC.
 6. That he will withdraw the dispute/claim, pending at any Court of law unconditionally.
3. Award is passed in terms of the aforementioned settlement. No order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 1995

का. आ. 162—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस ई सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27 दिसम्बर को प्राप्त हुआ था।

[सं. एल-22012/49/92 आई० आर०सी०-II]
राजालाल, डेस्क अधिकारी

New Delhi, the 29th December, 1995

S.O. 162.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.E.C. Ltd. and their workmen, which was received by the Central Government on the 27-12-95.

[No. L-22012/49/92-IR(C-II)]
RAJA LAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP).

Case Ref. No. CGIT/LC(R)(183)/1992

BETWEEN :

Shri J. L. Grewal represented through the General Secretary, Koyla Mazdoor Sabha, Sohagpur Area, P.O. Dhanpuri, District Shahdol (MP).

AND

The General Manager, Jamuna & Kotma Area of S.E.C.L., P.O. Jamuna Colliery, District Shahdol (MP).

PRESIDED IN : By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman.—Shri Jagdish Singh.

For Management.—Shri R. Mukhyopadhyaya.

INDUSTRY : Education DISTRICT : Shahdol (MP).

57 GI/96—5

AWARD

Dated, November, 16th 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012/49/92-IR(C-II) dated 8-9-1992, for adjudication of the following industrial dispute :

THE SCHEDULE

"Whether the action of the management of Jamuna & Kotma Areas of S.E.C. Ltd., in denying proper fixation of Shri J. L. Grewal, Teacher of Junior High School, Kotma Colliery in Clerical Gr. I is legal and justified? If not, to what relief the workman concerned is entitled to?"

2. The case of the workman is that he was appointed as a Teacher on 18-10-1967 and that the management has not done the fixation of his pay with effect of January, 1979 in the Clerical Gr. I. Workman has claimed fixation of his pay and arrears of pay.

3. The objection of the management is that the workman is a Teacher and as per definition of Sec. 2(s) of the I.D. Act he is not a workman and as such his dispute is not triable by this Tribunal.

4. It is settled law that education is an industry, but a teacher is not a workman. Teaching is a mission or noble vocation. The Hon'ble Supreme Court and High Courts have repeatedly observed that teacher is not a workman within the definition of workman under Sec. 2(s) of I.D. Act [Please see Miss A. Sunderamahal v. Government of Goa Daman & Diu and others (1989-I-LJ 6 (SC)=1988 (57 FLR 462)] Consequently, Shri J. L. Grewal is held no a workman under Sec. 2(s) of the I.D. Act and this Tribunal has no jurisdiction to decide the dispute raised under the reference. Reference is answered accordingly. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 3 जनवरी, 1996

का. आ. 163.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. भारत कोकिंग कोल लि० की लोहापत्ती कोलियरी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण के सं (2) पंचपट धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 28-12-95 को प्राप्त हुआ था।

[संख्या एल-20012/155/90 आईआर (कोल)]
राजा लाल, डेस्क अधिकारी

New Delhi, the 3rd January, 1996

S.O. 163.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Lohapatti Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on the 28-12-95.

[No. L-20012/155/90-IR(Coal-I)]

RAJA LAL, Desk Officer

ANNEXURE

New Delhi, the 3rd January, 1996

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer.
In the matter of an Industrial dispute under Section
10(1)(d) of the I.D. Act., 1947.

REFERENCE NO. 39 OF 1990

PARTIES :

Employers in relation to the management of Lohapatti
Colliery of M/s. B.C.C.L. and their workmen.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : Shri B. Joshi, Advocate.
STATE : Bihar INDUSTRY : Coal

Dated, Dhanbad, the 19th December, 1995

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/155/90-I.R. (Coal-I), dated, the 3rd December, 1990.

SCHEDULE

"Whether the Management of Lohapatti Colliery in Mahuda Area No. II of M/s. B.C.C. Ltd. is justified in not providing employment to Shri Charku Mahato dependent son of deceased workman Bhaktu Mahato? If not, to what relief the workman is entitled?"

2. In this case neither the workmen appeared nor took any steps. The management represented through his Lawyer Shri B. Joshi, along. Thereafter several adjournments were granted to the workmen. Subsequently when the case was fixed Shri B. Joshi, learned Advocate for the management submitted before me to pass a 'No dispute' Award on the ground that the workmen are not taking any steps in this case. I also perused the record of this case and I found that inspite of issuance of notices to the workmen they are neither appearing nor taking any steps. Therefore, it leads me to draw an inference that the workmen are not interested to press their claim before this Tribunal. In the circumstances, I am constrained to pass a 'No dispute' Award in the reference.

D. K. NAYAK, Presiding Officer

नई दिल्ली, 3 जनवरी, 1996

का. आ. 164 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मै. भारत कोकिंग कोल लि. की जीलगोरा कोलियरी के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-12-95 को प्राप्त हुआ था।

[सं. एल-20012/149/90-आईआर(कोल)]

राजा लाल, डेस्क अधिकारी

S.O. 164.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Jealgora Colliery of M/s. BCCL and their workmen, which was received by the Central Government on 28th December, 1995.

[No. L-20012/149/90-IR (Coal-I)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d)
of the I. D. Act, 1947
Reference No. 37 of 1990

PARTIES :

Employers in relation to the management of Jealgora
Colliery of M/s. BCCL and their workmen.

APPEARANCES :

On behalf of the workmen—None.

On behalf of the employers—Shri Joshi, Advocate.

STATE : Bihar INDUSTRY : Coal
Dhanbad, the 19th December, 1995

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/149/90-IR (Coal-I), dated, the 16th November, 1990.

SCHEDULE

"Whether the action of the management of Jealgora Colliery of M/s. BCCL, P.O. Jealgora, Distt. Dhanbad in not giving Cat. V w.e.f. 1977 and Cat. VI w.e.f. 1980 with all arrears of wages and consequential benefits to Md. Hamid, Mechanical Fitter is justified? If not, to what relief the workman is entitled?"

2. Soon after the receipt of the order of reference notices were duly served upon the parties. But neither the workmen appeared nor filed its W.S. The management all along appeared through his Advocate Shri B. Joshi. Thereafter several adjournments were granted to the workmen. Subsequently when the case was fixed Shri B. Joshi, Advocate representing the employers submits before me that the workmen are neither appearing nor taking any steps, accordingly he prays to pass a 'No dispute' Award. I also find from the records that the workmen are neither appearing nor taking any steps. Therefore, it leads me to draw an inference that the workmen are not interested to pursue this reference. In the circumstances of the case, a 'No dispute' Award is passed.

D. K. NAYAK, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 1995

का. आ. 165 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत पेट्रोलियम कॉर्पोरेशन लि., के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निषिद्ध औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण अधिकरण (सं. 2) बंबई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-12-95 को प्राप्त हुआ था।

[संख्या एल-20025/13/94-आईआर (कोल-I)]

राजालाल डेस्क अधिकारी

New Delhi, the 29th December, 1995

S.O. 165.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2) Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bharat Petroleum Corporation Ltd. and their workmen, which was received by the Central Government on 27-12-1995.

[No. L-20025/13/94-IR (Coal-I)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. II BOMBAY

PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/30 of 1994

Employers in relation to the management of Bharat
Petroleum Corporation Ltd., Bombay.

AND

Their Workmen.

APPEARANCES :

For the Employer—Shri R. S. Pai, Advocate.

For the Workmen—No appearance.

Bombay, the 6th December, 1995

AWARD

The Government of India, Ministry of Labour by its letter No. L-20025/13/94-IR (Coal-I) dated 16-8-95 had referred to the following Industrial Dispute for adjudication.

"Whether the action of the management of Bharat Petroleum Corporation Ltd., Bombay in terminating the services of the workman Shri Arun Laxman Surve w.e.f. 6-2-1986 is legal and justified? If not, what relief is the abovesaid workman entitled to?"

2. After the receipt of the reference notices were served to the parties as abundant precaution. It is because the Government had also send copies of the reference to the concerned parties. So far as the management is concerned Mr. R. S. Pai, Advocate filed his Vakalatnama on 15-11-94 on which an order is passed other side to say. The Tribunal has sent the notice of this reference to the worker

on the address given in the letter of the Government dated 16th August, 1994. The envelope came back with an registered Post was send. It came back with an endorsement as address left the place. This was repeated for all three times. Thus the management was asked to furnish the address of the worker. They gave the address changing the house No. On that address also a notice by registered post was send. It came back with an endorsement addressee not known.

3. For the reason given above I find that the worker had no interest in the matter. He does not want to prosecute Industrial Dispute further. Hence it is to be disposed off accordingly.

ORDER

1. The action of the management of BPCL Ltd. Bombay in terminating the services of the workman Shri Arun Laxman Surve, w.e.f. 6-2-86 is legal and justified.

2. No order as to costs.

S. B. PANSE, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 95

का.आ. 166 औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार में भारत कोकिंग कोल लि. का मुखी टाउनशिप एडमिनिस्ट्रेशन के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निषिद्ध औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-12-95 को प्राप्त हुआ था।

[सं. एल-20012(81)/92-आई आर (कोल-I)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 29th December, 1995

S.O. 166.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2) Dhanbad as shown in the Annexure in the industrial dispute between the employer in relation to the management of Bhuli Township Administration of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on 27-12-1995.

[No. L-20012/8/92-IR (Coal-I)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri D. K. Navak, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 141 of 1992 (Old)

Reference No. 89 of 1995 (New)

PARTIES :

Employers in relation to the management of Bhuli Township Administration of M/s. Bharat Coking Coal Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen—Shri D. Mukherjee, Advocate and Shri R. K. Prasad, President, Bihar Shramik Sangh, Bhuli, Dhanbad.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 19th December, 1995

AWARD

The Government of India, Ministry of Labour, New Delhi in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 had referred the following dispute to the Central Government Industrial Tribunal No. 1, Dhanbad for adjudication vide their Order No. L-20012/8/92-1K (Coal-I), dated, the 2nd December, 1992. Subsequently vide Ministry's letter No. L-20025/23/94-II (Coal-I) dated 17/22-5-95 the said reference has been transferred to this Tribunal from Central Government Industrial Tribunal (No. 1), Dhanbad.

SCHEDULE

"Whether Shri Chandradeo Prasad Mondal and 65 other persons employed in Bhuli Township for repairing and maintenance of hand pump through a contractor are to be treated as employees of M/s. B.C.C.L. and whether the demand that these persons be regularised in the services of the said management is justified? If so, what relief are these persons entitled to?"

2. For adjudication of the reference as cited above both the management and the workmen filed their W.S. and rejoinder and documents at different stages.

3. The workmen in their W.S. in support of the disposal of the reference in their favour have stated that the concerned workmen whose names are included in the list annexed with the reference are working as Mistry, Plumber Helper and Fitter for the purpose of maintenance of Hand Pump and Water Line in order to supply of Water to different quarters of Bhuli Township Hospital Officers' School etc. since October, 1978 and they are discharging the said duty continuously and regularly being the said job is of permanent in nature since then.

4. It is stated further that the practice which prevails in the township is that as and when any necessity of repairing of the Hand Pump is required then a complaint is submitted to the Bhuli Town Administration and thereafter slips are issued to the workmen for carrying out such work and pursuant to the said work slips work is carried on by the concerned workman. The said Act of maintenance of Hand Pump at Bhuli Township is done under direct control and supervision of the Engineers and Supervisors of M/s. BCCL (hereinafter referred to as management) inspite of not getting the scale of wages and allowances paid to other regular employees of the said management.

5. The concerned workmen repeatedly approached the management for their regularisation and with claim of for equal pay for equal work but no result was obtained and having no other alternative they initiated an industrial dispute before the ALC (C) where a conciliation proceeding was started but it ended without any result as the management took a plea that the concerned workmen are the men of the contractor though no independent contract was engaged for the said work. It is added further that they used to perform work under the direct supervision and control of the management and not under the contractor, and thereby they claim themselves to be the workmen of BCCL and as the matter could not be settled by the ALC (C) the present reference arose.

6. It is stated further that in the minutes of the meeting dated 11-4-92 the management agreed to regularise the concerned workmen subject to approval of the headquarters as they were found already working since long and also as it was agreed earlier on 2-7-91 considering the work to be of permanent nature. Another meeting also held over the issue on 13-6-92 where it was assured that the result of discussion held on 11-4-92 would be implemented and thereby they have prayed for regularisation of the said 66 workmen as referred to in the enclosures of the reference sent by the Ministry of Labour with a direction for payment of the wages and other benefits of regular employees with effect from 1978.

7. The management in their W.S. have categorically stated that they have no relationship with the persons mentioned in the annexure to the reference as employees and employers. On the other hand they are the men of the contractors who were engaged for repairing of Hand Pump installed in Bora whole Drills at different parts of A, B, C, D and E Blocks of Bhuli Township throughout the year and the said contract was given to one Shambhu Nath Pandey with proper work order from 1987 till the date of filing of the W.S. on the rates given by him finding the said rate to be lowest observing all other formalities in this regard. But it is admitted that along with the contractors supervisors, Munshies also used to inspect all Hand Pump Regularly to remove the defects if any and thereafter the contractor used to submit bill in every month and on verification and checking the payments were made to the contractor and the persons engaged by him were paid from the said contractor. Therefore, at no point of time the said persons as stated in the enclosure were the employees under the present management. It is stated further that generally 12 to 14 persons were sufficient to meet the requirement and never it went upto 30 and thereby the claim of employment and engagement of 65 persons is excessive and out come of greed of the job seekers. It is further stated that the contractor being appointed by the management used to employ the Plumber, Fitter, Plumber Helper, General Mazdoor according to his requirement. Of course it is admitted that Chandradeo Prasad Mondal and Vijay Mangal Pandey were the Plumber Fitters and they were found working under the contractor Shri Shambhu Nath Pandey in the year 1991, and also it is admitted that some of the persons whose names appear in the list were found working as Plumber Helper and as General Mazdoor under the contractor. The further case of the management is that engagement of the contractors workers on civil construction work have not been prohibited under the Contract Labour (Regulation and Abolition) Act, 1971 and thereby the union has no right to demand for abolition of the contract system. In the rejoinder it is stated that some of the persons mentioned in the list worked sometime in 1987 or in 1991 and it is incorrect to suggest that they were working since October, 1978 as claimed for the purpose as mentioned in their W.S. It is added further that the work load was not such throughout the year where there was scope for engagement of 66 persons regularly and never the said persons were given any tools or apparatus by the management nor they were under the control and supervision of supervisor and engineers of the management and thus their claim is baseless.

8. In the rejoinder on behalf of the workmen it is stated in addition to the earlier facts stated that they used to work directly under BCCL management and they were given implements for performing such job from the management side and other facts stated contrary to the facts already stated are myth and they are entitled to get the reliefs as stated earlier.

9. On careful scrutiny of the W.S. and rejoinders filed by the workmen and the management I find two different stories which are stated in nutshell.

10. It is the specific case of the workmen that they are the employees under the management directly and they are working since 1978 for the purpose of repairing of the Hand Pump in Bhuli Township and all were engaged continuously since then at a time and they perform the work since 1978 with the implements supplied to them by the management as per work order issued by them by working

slips under the management and supervision of their engineer and supervisor. They have strongly denied that they are the men of the contractor and they used to get their wages through the contractor who was appointed or engaged by the management.

11. The story of the management in nutshell is that all those 66 workmen never worked at a time nor the work load was such which can justify the engagement of the said 66 persons at a time. It is stated further that they were never engaged by the management and they were the men of the contractor whom the management engaged as per rules for performing the repairing job of the Hand Pump in Bhuli Township and always payment was made to the workmen through the contractor and they used to perform the work by the implements supplied by the contractor and they were never under the supervision of the engineers and supervisor of the management though virtually or incidentally it is admitted that their work is checked by the supervisor of the management as and when required and they used to perform the job as per work slips on the basis of the complaints received from different corners of the said township and those work slips were given to the contractor not to the individual workmen and thereby they cannot claim to be the workmen under the BCCL management nor they worked regularly and continuously since 1978 as claimed. So their claim is not justified and they are not entitled to get the reliefs as prayed for.

12. In the premises of the case as narrated above of the respective parties I am to quote and refer the schedule of Reference itself which runs as follows :

SCHEDULE

"Whether Shri Chandradeo Prasad Mondal and 65 other persons employed in Bhuli Township for repairing and maintenance of hand pump through a contractor are to be treated as employees of M/s. BCCL and whether the demand that these persons be regularised in the services of the said management is justified ? If so, to what relief are these persons entitled ?"

13. In this context I cannot ignore the point raised by the management in their Written Argument that the Tribunal cannot go beyond the terms of reference under any circumstances nor the Tribunal has any power to export any new thing which is not in the reference. In this premises my attention has been drawn to the decision of the Hon'ble Supreme Court decided in the case of Delhi Cloth and General Mills Company Ltd., vrs. Their workmen, reported in SCLJ Vol. IV page 2307 in which Their Lordships had held that the Tribunal should confine himself for the adjudication to the points of dispute referred to and any matter incidental comes thereto. But the Tribunal is not free to enlarge or enhance or export anything in the dispute which has been referred to for adjudication. On the other hand Tribunal should confine his attention to the points specifically mentioned therein along with the points comes up incidentally to it.

14. In view of such decision this Tribunal cannot go beyond the terms of reference and in that case when it is specifically mentioned indicating the concerned workmen to be the persons employed in Bhuli Township for repairing and maintenance of Hand pump through an contractor then it will be beyond the terms of reference if I consider the question or probe into the matter whether they are the persons of the contractor or direct employees of the management then it would be beyond the terms of reference and I am to travel beyond my jurisdiction as per verdict of the Hon'ble Supreme Court at referred to above. Thereby Irrespective of various case laws and various facts stated by the workmen in their written argument I am constrained to hold that the concerned workmen numbering 66 stated in the annexure to the order of reference sent by the Ministry are the men of the contractors and employed by him for the purpose of repairing and maintenance of Hand Pump in Bhuli Township which is under the management of M/s. BCCL who is the present management.

15. Therefore, I am to proceed to dispose of the reference accepting the said 66 persons to be the persons employed by the contractor for the purpose of discharging the job of the management and I have no scope to hold for any time that they were the employees under the management directly.

16. Keeping in mind that they are the men of the contractor let me see whether their services can be regularised and they are entitled to the reliefs as prayed for.

17. In this premises I am to observe that various case laws have been cited by the workmen which deals with the contract Labour Laws. In my opinion they do not relate to the points in issue involved in this case in view of the observation and finding as stated above.

18. Now the question is how long these employees are working in Bhuli Town Administration for the purpose of repairing of Hand pump in the said township.

19. It is not disputed rather it is admitted that the job of repairing of Hand Pump is in dispensable in the said township and that was continuous and permanent in nature. This fact is also admitted by the management in the letter addressed to the ALC (C), Dhanbad under letter No. BCCL : GM : BTA : IR : BSS : 91/1940 dated 16/18-9-91 wherein in paragraph 3 the Dy. Personnel Manager have stated that the maintenance of Hand Pump is of permanent nature and thereby their work cannot be described to be of temporary or of casual nature.

20. It is also mentioned as the Bhuli Town Administration was enlarged from time to time and that is meant for the employees and office attached to the BCCL management the work done therein for facilitating the water supply in the said township or the work attached to coal industry under the nomenclature of BCCL and thereby any persons if they are found to be attached to the management for discharging their job in the said industry, they should be considered to be the workmen of the said management and their claim obviously comes within the purview of I. O. Act, 1947.

21. Again I am repeating that many points have been urged in the Written argument and many documents have been proved by the parties but in view of the discussion made above I am of the opinion that many points stated by the parties are not relevant for the present purpose and many documents have also been furnished which are not required to be mentioned in order to increase the volume of the Award.

22. In order to ascertain the tenure or length of the services or engagement of the concerned workmen let me refer to Ext. W-1 where a list of workmen is mentioned certifying that the said workmen were engaged by the contractor for working maintenance of Hand Pump repairing sanitary fittings, masonry works etc. at Bhuli Township Administration Department from October, 1978 to September, 1982. Besides this fact it is stated thereafter in various documents that some of the workmen performed their job in the said township for the purpose of repairing of Hand Pump etc. even on the date of initiation of the reference and they were discontinued during the pendency of this reference.

23. So it is needless to say that they started working in the year 1978 and continued till their stoppage during the pendency of the reference.

24. Ext. W-1 indicates 38 names who worked from October, 1978 to September, 1982.

25. Similarly Ext. W-2 which is the minutes of the discussions of review committee meeting held with Bihar Shramik Sangh on 11-4-92 at 11.00 A.M. in the chamber of Town Administrator, Bhuli where it was agreed in continuation of the earlier agreement held on 2-7-91 that the case of regularisation of Shri Chandradeo Prasad Mandal and 65 others will be finalised after taking necessary approval from the headquarters as they are already working since long.

26. I think that these two documents are enough to hold that these 66 workmen whose names appear in the list as enclosure of the reference sent by the Ministry are working for a pretty long time for the purpose of repairing of Hand Pump in Bhuli Township under the management of BCCL for facilitating the services to their employees and administration and the said job is of permanent nature as it is admitted in the letter addressed to ALC(C) and Ext. W-2. This fact has also been admitted by the management witness which I refrain from discussing that evidence so specifically in view of the documentary evidence.

27. It will not be more to refer that the management of BCCL issued a circular in 1990-91 for regularisation of their services of casual workers who have put their attendance in any of the last five years i.e. 1986, 1987, 1988, 1989 and 1990 and that circular also fortifies the present workers to be regularised.

28. In this case though Shri S. Vishnu who is the man of the management and under whose supervision the concerned workmen used to work in the hand pump repairing and maintenance job was not examined nor he was brought by the management to the dock. Shri Vishnu in his deposition before the learned C.J.M. in C.P. Case No. 352/93 has clearly stated that the concerned workmen were working under his supervision and he found the concerned workmen working in the said township. The photo copy of his deposition are on record.

29. It is worthy to mention here that non-examination of that vital witness draws an adverse inference against the management and under Section 111(g) of Evidence Act and this Tribunal has got the liberty to form an opinion that as his examination would help the Tribunal to unearth the truth so he was withheld by the management to conceal the truth and thereby it draws an adverse inference against the management and this Tribunal forms an opinion that he was intentionally withheld though he is in service of the management till now in order to avoid the Court and also to conceal the truth.

30. For the purpose of determination of the workmen let me refer to the para 7.2 of the Certified Standing Order where it is stated that 'A permanent workman' is one who is employed on a job of permanent nature for a period of atleast 6 months or who has satisfactory put in 6 months continuous service in a permanent post as a probationer.

31. Ext. M-10 series are the bills for the wages of the concerned workmen and MW-1 has admitted that the said bills were prepared by the officials of the management. So it is myth to say that the bills were supplied by the contractor and this fact is not supported by MW-1 and I find every reason to accept that the bills if any be found to be furnished by the contractor and filed by the management in this case are only created for the purpose of this case to frustrate Ext. M-10 series which has been admitted by the management witness himself.

32. In order to appreciate the case of the workmen let me refer to the evidence of Shri Hiralal Kapoor MW-1 who has deposed in cross-examination that Ext. M-4 series would go to show that the work was entrusted to different contractors and he has stated further that the work relating to Hand Pump was supervised by Shri S. Vishnu and the bills for the said work for the said workmen Ext. M-10 series were prepared by the officials of the management and the parchas in Ext. W-9 were issued from the management office. He has also deposed that the same procedure was adopted as in Ext. W-4 series and Ext. W-10 is also a register of the management and he has also deposed that repairing job of Hand Pump is of permanent nature.

33. Another witness of workman Shri Anil Kumar Sinha had deposed with reference to the Certificate of Capt. O. P. Srivastava which is Ext. W-1. According to him they used to be paid their wages from the Administration Office of the Bhuli Town Administration from 1978 to December, 1986, situated in 'A' Block by Cashier of the Bhuli Town Administration in presence of Shri Santosh Vishnu and Sri G. T. Guha, Sr. Engineer.

He had also referred about an enquiry held on 24-2-92 by Shri P. N. Singh, ALC (C) and Shri A. Kumar, LEO (C) who visited the place and found these persons in presence of the Town Administration Sri T. Prasad and Sri D. Hargovind, Personnel Manager along with Santosh Vishnu and Madan Prasad, Engineer.

34. In this context it may be pointed out that if a particular material be asserted by a witness in examination-in-chief and that is not cross-examined by other side that will be considered to be an admitted position which has been enunciated by a catena of decisions.

35. The employers i.e. the management have referred to the evidence of MW-1 Shri Hiralal Kapoor with reference to Ext. M-4 and M-4/15 and argued that the persons are men of contractor and there is no liability of the management to regularise them and it was vehemently urged by Mr. B. Joshi, Advocate representing the management that it is preposterous to think that 66 persons are necessary to meet the requirement of repairing work of the Hand Pump in Bhuli Township and there is an attempt of the job seekers to get their jobs through this sponsoring union in clandestine manner. My attention was drawn to the position of the contract works of contract system with reference to the case law of the Hon'ble Supreme Court.

36. I have given my anxious consideration upon the argument advanced by Mr. Joshi and the argument advanced by Mr. D. Mukherjee representing the workmen with reference to the written argument and I am of the opinion that already I have held that the work in question was done through contractors and the persons performing the said job being engaged by the contractors. At the same time from the evidence as well as from Ext. W-1 and W-2 it is not denied by the management in any way and I hold without any hesitation that a number of workmen mentioned in the list annexed with the reference order were engaged by the contractor for performing the repairing of Hand Pump in the Bhuli Town Administration which is of permanent nature for a pretty long time.

37. Obviously I accept the contention of Mr. Joshi, learned Advocate for the management that all persons did not work continuously but they are some persons as it appears from Ext. W-1 who were found to have worked since 1978 after connecting this document with the working slips marked Ext. W-9 series.

38. Mr. Joshi, Advocate for the management drew my attention to the case law reported in 1994 Lab I.C. 345 in the case of Akhil Raj Rajya Hand Pump Mistries Sangathan vers State of Rajasthan and others where the Hon'ble Rajasthan High Court decided that the Hand Pump Mistries engaged by the Panchayat Samity for the purpose of repairing and maintenance of Hand Pumps situated in different Panchayats cannot demand to be the employees of the Panchayat as they were not directly employed by the Panchayats.

39. Upon this question let me refer to the decision reported in 1995 Lab I.C. page 852 by Hon'ble Kerala High Court which is based on two Supreme Court decisions reported in 1978 Lab I.C. Page 1264 (Hussainbhai versus Alath Factory Tozhilali Union) and 1974 Lab. I.C. Page 1237 (Mangalore Ganesh Beedi Works versus Union of India). The facts involved in the case law reported in Lab. I.C. 1995 page 852 are more or less similar to the present case and his Lordship relying upon the said two Supreme Court decisions found these workmen involved therein to be the permanent workmen falling within the purview of Section 2(s) of the I. D. Act and this Tribunal is also inclined to rely upon this case law which is based on two decisions of Hon'ble Supreme Court as referred to above and hold that the concerned workmen as mentioned in the list are found to be the workmen of the management irrespective of the fact that they were engaged by the contractors only basing upon the facts that they discharged the job of the management which is of permanent nature for a long term under the control and supervision of the management for a pretty long time and that fact is not disputed by the management as it appears from Ext. W-2.

40. But for a moment I pause to come to a final conclusion whether all 66 persons would be ordered to be regularised by the management right now. I think that after considering the materials on record and when the concerned workmen are relying upon the Ext. W-1 I pass order in the following tune which will cause justice to all concerned.

41. In Ext. W-1 I find that Capt. O. P. Srivastava Sr. Administrative Officer, Bhuli Town Administration, BCCCL have referred to names of 38 persons to be the persons engaged by the contractors for work of maintenance and repairing work of Hand Pump etc. at Bhuli Town Administration department from October, 1978.

42. I have consulted the working slips of different years and I also find their names in the said list along with the names of other workmen as it appears in the list enclosed with reference sent by the Ministry.

43. Some names as it appear in Ext. W-1 do not appear in the annexure to the order of reference sent by the Ministry though some of those names appear in the working slips. So I divide the workmen in two categories for getting relief in two instalments in the tune as directed below.

44. After consulting Ext. W-1 and after consulting list enclosed with the order of reference sent by the Ministry I find the following names appear in both the list. The said names are as follows :—

Group-A

Sl. No. of the annexure attached to the order of reference	Sl. No. of Ext. W-1	Name and address
1	2	3
1	1	Sri Chandra Deo Prasad Mandal S/o Sri Dhahi Mandal of village Churaman Bigha, P.O. Gopalpur, P.S. Lakshisaraj, Dist. Monghyer.
2	2	Sri Vijay Mangal Pandey, S/o Sri Shree Ram Pandey of village Bhuli B. Block Ambagan P.S. Dhanbad, Bhuli O.P. P.O. Bhuli Nagar, Dhanbad.
17	3	Sri Raj Kumar Prasad, S/o Rupendra Prasad of village Bhuli 'D' Block P.S. Dhanbad, P.O. Bhuli Nagar, Dist. Dhanbad.
22	5	Sri Banarasi Pandey, S/o Sri Basudeo Pandey, of village Babhandi, P.S. Imamganj P.O. Imamganj, Dist. Gaya.
47	8	Sri Rabindra Sharma, S/o Ramsaran Sharma of village Sonchari, P.S. Parabalpur, Parabalpur, Dist. Nalanda.
15	9	Sri Manoj Kumar S/o Sri Sarju Lal of village Paharnur P.O. Rajganj, P.S. Rajganj, Dist. Dhanbad.
43	11	Sri Arun Kumar Pandey, S/o Sachchida Nand Panday of village Diaura P.S. Parkn Bazawan, P.O. Budhauri Dist. Nawadah.

1	2	3
28	13	Baleshwar Gope S/o late Ganga Gope of village Makdoompur Barhi P.O. Tekari Dist. Gaya.
26	14	Sri Jogendra Yadav, S/o Raghunandan Yadav of village Rupaspur P.O. Konchi Distt. Gaya.
66	15	Sri Bhagwat Mishra, S/o Sri Pandit Madheswar Mishra of village Pancharukhiya, P.S. Gurua P.O. Bharaundha Dist. Gaya.
54	16	Sri Narsingh Bahadur Chaubey S/o Bijay Narayan Chaubey of village Chandabhari P.S. Nizamabad, P.O. Chandabhari, Dist. Azamgarh.
24	17	Shri Sheonath Prasad, S/o Sri Ram Lakhnan Prasad of village Chakori Bigha P. S. Makhdumpur, Dist. Jahanabad.
23	18	Binod Kumar S/o Sri Dhaneshwar Prasad of village Chakori Bigha, P.S. Makhdumpur, Dist. Jahanabad.
44	20	Krishna Chouhan S/o Sri Ram Narayan Chauhan of village Balia Busdih P.S. Nabinagar, P.O. Nabinagar, Dist. Aurangabad.
45	21	Binod Kumar Singh S/o Sri Dadul Singh of village Parasias P.S. Haldi, P.O. Sitakund Dist. Balia, (U.P.)
61	22	Sri Mahendra Yadav S/o Sri Prasad Yadav of village Bundela Bigha, P.S. Bala, P.O. Rauna, Dist. Gaya.
18	23	Sri Ramadhar Yadav S/o Sri Rambilas Yadav of village Thanapur, P.S. Tekari P.O. Turi, Dist. Gaya.
62	32	Sri Ravi Kumar Panday S/o Sri Diwakar Panday of village Chakiya P.S. Ranik Saray P.O. Devith, Dist. Azamgarh (U.P.)
14	33	Bijay Kumar S/o Sri Ramsaran Singh of village Dariyar P.S. Govindpur, Dist. Nawadah.
46	35	Rajesh Kumar S/o Motichand Bhar of village Kaithi P.S. Rosra P.O. Sisuar, Dist. Balia.
34	38	Sri Anil Kumar Sinha S/o Durgesh Nandan Prasad of village Panchi, P.S. Barbigha P.O. Lal Bigha Dist. Monghyar.

45. The rest of the names appear in the working slips. It is also supported by Ext. W-2 that they used to perform duties for a long period. So the aforesaid persons be placed in Group-A and the rest of the persons be placed in Group-B. The management is directed to reinstate the concerned workmen of Group-A as mentioned above within one month from the date of publication of the Award in Cat. I and also the President of the sponsoring union is directed to furnish a seniority list of the workmen described in Group-B within one month from the date of publication of the Award to the management and then the management will regularise them as per seniority within one year in Cat. I for the purpose they were engaged to earlier or in any other department under the management of BCCL. In the meantime no outsider should be engaged by the management in Bhuli Township or in any other township for the purpose of repairing of Hand Pump besides the persons mentioned in Group B as per their seniority to be submitted by the President of the sponsoring Union. In order to make the matter clear a list of prepared showing the employees of Group-A and Group-B which will form part of this Award. No back wages is awarded in the instant reference under the present facts and circumstances.

This is my Award.

D. K. NAYAK, Presiding Officer
GROUP-B

Sl. No. of the annexure attached to the order of reference.	Name
1	2
3. Shri Naresh Paswan.	
4. Shri Shankar Ram.	
5. Shri Ram Pravesh Paswan.	
6. Shri Rabindra Pandey.	
7. Shri Mukhlal Bhagat.	
8. Shri Hemant Kumar Mallick.	
9. Shri Ram-Bilash Prasad.	
10. Shri Awadesh Prasad.	
11. Shri Radha Mohan Ram.	
12. Shri Rajendra Prasad.	
13. Shri Praveen Pandey.	
16. Shri Ramashish.	
19. Shri Rajesh Tiwary.	
20. Shri Arun Kumar Sinha.	
21. Shri Amlendu Bhattacharjee.	
25. Shri Mahesh Prasad.	
27. Shri Ramashish Ram.	
29. Shri Suresh Paswan.	
30. Shri Udai Paswan.	
31. Shri Nand Kishore Prasad.	
32. Shri Binod Kumar.	
33. Shri Kanhya Prasad Singh.	
35. Shri Yogendra Yadav.	
36. Shri Gupteshwar Singh.	
37. Shri Raghubar Pandey.	
38. Shri Shambhunath Kar.	
39. Shri Tulshi Paswan.	
40. Shri Shidnath Prasad.	
41. Shri Rajendra Singh.	
42. Shri Singheshwar Singh.	
48. Shri Shiya Ram Sharma.	
49. Shri Rajesh Kumar Sharma.	
50. Shri Binod Ram.	
51. Shri Rishi Shankar Sharma.	
52. Shri Bandhu Prasad.	
53. Shri Chandan Sharma.	
55. Shri Bhola Prasad.	
56. Shri Bishwanath Lal.	

- 1
- 2
57. Shri Shambhu Kumar.
58. Shri Bhola Ram.
59. Shri Ashok Paswan.
60. Shri Birendra Ram.
63. Shri Ackhebar Singh.
64. Shri Kailash Prasad Sinha.
65. Shri Upendra Kumar.

नई दिल्ली, 4 जनवरी 1996

का.आ. 167.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार एतद्वारा 16-1-1996 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध उड़ीसा राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:—

“जिला एवं तहसील अंगुल के राजस्व ग्राम गोटमरा, गिरांग, बलराम प्रसाद, कुलाड़, कुलाड़ जंगल, कान्दसर, बुढ़ापंक, बन्डा, कन्याबेड़ा, कर-बेरिणी, कंसरागढ़ि, कुरुदोल, तुलसीपाल, मोरिडिह, कांगुला के ग्रामगत ग्राम वाले क्षेत्र”।

[संख्या एस-38013/3/96-एस.एस-1]

जे.पी. शुक्ला, अवसर सचिव

New Delhi, the 4th January, 1996

S.O. 167.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th January, 1996 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Orissa namely:—

“The areas comprising Revenue Villages of Gotamara, Giranga, Balaramprasad, Kulad, Kulad Jungle, Kandasar, Budhapank, Bonda, Kanyabeda, Karbereni, Kansaragadi, Kurudol, Tulsipal, Chauri-DIH and Kangula in Tahasil and District of Angul.”

[No. S-38013/3/96-SS. I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 4 जनवरी, 1996

का.आ. 168:—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार एतद्वारा 16-1-1996 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:—

“पश्चिमी गोदावरी जिले के तणुकु मंडल में राजस्व गांव:

1. तैतालि, बेलपुर, औरमप्रपुरम, दब्बा, कोमरधरम्, गम्मतपाडु, मन्नापुरम, मुद्दापुरम, तणकु-वेमधरम्।
2. उण्डराजधरम् मंडल में राजस्व गांव: करीवारि-मधरम्, उण्नाजवरम्, मोती, पालंगि, कलधरि, बड्डूरु, सूर्य-रावगलेम, पमलपूडि
3. इरगवरम् मंडल में राजस्व गांव: इरगवरम्, काकुला-इल्लिन्कनपन्, गोटेरु, गोपालपुरम्, इन्द थिप्पूरु, एन-उन्निन्दलपन्, कावलिपुरम्, मूरमपूडि, तैगिपुडि और

4. पेरवल्लि मंडल में राजस्व गांव :

पेरवल्लि और अज्जारम के अन्तर्गत आने वाले क्षेत्र"।

[संख्या एस-38013/2/96-एस.एस.-1]

जे.पी. शुक्ला, अवर सचिव

New Delhi, the 4th January, 1996

S.O. 168.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th January, 1996 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely :—

"The areas falling within the revenue villages of :

- (i) "TETALI, VELPUR, VEERABHADRAPURAM, DUVVA, KOMARVARAM GUMMANAPADU, SAJJAPURAM, MUDDAPURAM AND TANUKU-VEMAVARAM in TANUKU MANDAL ;
- (ii) KARRAVARI-SAVARAM, UNDRAJAVARAM, MORTHA, PALANGI, KALDHARI, VADLURU, SURYARAOPALEM, PASALAPUDI in UNDRAJAVARAM MANDAL ;
- (iii) IGRAGAVARAM, KAKULA-ILINDALAPARRU, GOTERU, EAST-VIRPARRU, S-ILINDALAPARRU, SURAMPUDI, GOPALAPURAM, KAVAILIPURAM and NEGGIPUDI in IRAGAVARAM MANDAL ;
- (iv) PERAVALI, AJJARAM in PERAVALI MANDAL OF WEST GODAVARI DISTRICT."

[No. S-38013/2/96-SS. I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 8 जनवरी, 1996

का.आ. 169 :—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 16-1-1996 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध अन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

"जिला कुरनूल के येमीगानुर मंडल में राजस्व ग्राम बनवासी के अन्तर्गत आने वाले क्षेत्र"।

[संख्या एस-38013/7/96-एस.-एस.-1]

जे.पी. शुक्ला, अवर सचिव

New Delhi, the 8th January, 1996

S.O. 169.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th January, 1996 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely :—

"The areas falling within the revenue village of Banavasi in Yemmiganur Mandal of Kurnool District."

[No. S-38013/7/96-SS. I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 8 जनवरी, 1996

का.आ.—170 :—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग

57G/91-6

करते हुए, केन्द्रीय सरकार एतद्वारा 16-1-1996 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध तमिलनाडु राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

"जिला वी.ओ. चिदम्बरनगर के कोईलपट्टी तालुक में राजस्व ग्राम ईटायपुरम और विलाथीकुलम तालुक में राजस्व ग्राम विलाथीकुलम के अन्तर्गत आने वाले क्षेत्र"।

[संख्या एस-38013/4/96-एस.एस.-1]

जे.पी. शुक्ला, अवर सचिव

New Delhi, the 8th January, 1996

S.O. 170.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th January, 1996 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu namely :—

"Areas comprising the revenue Villages of Ettayapuram in Koilpatti Taluk and revenue Village Vilathikulam in Villathikulam Taluk of V. O. Chidambaranar District."

[No. S-38013/4/96-SS. I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 8 जनवरी, 1996

का.आ. 171 :—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 16-1-1996 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

"जिला महबूबनगर के कोथूर मंडल में राजस्व ग्राम मालापुर, पेनजरला, इन्नुअल नेरवा, खाजीगुडा और कोडीचिरला के अन्तर्गत आने वाले क्षेत्र"।

[संख्या : एस-38013/6/96-एस.एस.-1]

जे.पी. शुक्ला, अवर सचिव

New Delhi, the 8th January, 1996

S.O. 171.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th January, 1996 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely :—

"The areas falling within the revenue villages of Mallapur, Penjerla, Innual Nerva, Khajiguda and Kodicherla in Kothur Mandal of Mahabubnagar District."

[No. S-38013/6/96-SS. I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 8 जनवरी, 1996

का.आ. 172 :—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग

करते हुए, केन्द्रीय सरकार एतद्वारा 16-1-1996 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध आन्ध्रा प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला गुन्टूर के मेडीकुनूरु मंडल में राजस्व ग्राम डोकीपारु और फिरसीपुरम मंडल में राजस्व ग्राम अमीनाबाद की सीमाओं के अन्तर्गत आने वाले क्षेत्र”।

[संख्या : एस-38013/1/96-एस.एस.-1]
जे. पी. शुक्ला, अवर सचिव

New Delhi, the 8th January, 1996

S.O. 172.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th January, 1996 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely :—

“The areas falling within the limits of revenue villages of Dokiparru in Medikonduru Mandal and Ameenabad in Phirangipuram Mandal of Guntur District.”

[No. S-38013/1/96-SS. I]
J. P. SHUKLA, Under Secy.

नई दिल्ली, 8 जनवरी, 1996

का.भा. 173 :—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 16-1-1996 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध आन्ध्रा प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला कृष्णा के बापुलापाडु मंडल में राजस्व ग्राम कोडूरुपाडु के अन्तर्गत आने वाले क्षेत्र”।

[संख्या : एस-38013/5/96-एस.एस.-1]
जे. पी. शुक्ला, अवर सचिव

New Delhi, the 8th January, 1996

S.O. 173.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th January, 1996 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely :—

“The areas falling within the limits of Kodurupadu revenue village in Bapulapadu mandal in Krishna District.”

[No. S-38013/5/96-SS. I]
J. P. SHUKLA, Under Secy.

नई दिल्ली, 2 जनवरी, 1996

का. भा. 174.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टील अथॉरिटी ऑफ इंडिया के प्रबन्धसंत के संबद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार का 21-12-95 को प्राप्त हुआ था।

[संख्या एल- 29011/15/ए- 92-आई आर विविध]
बी०एम०डेविड, डेस्क अधिकारी

New Delhi, the 2nd January, 1996

S.O. 174.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Steel Authority of India Ltd., Rourkela and their workmen, which was received by the Central Government on 21-12-1995.

[No. L-29011/15/A-92-IR(Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP).

CASE REF. NO. CGIT/LC(R)(25)/1994

BETWEEN

Shri C. S. Tiwari, General Secretary, Hindustan Steel Lime Stone Mazdoor Union, 79/10, Krishna Nagar, Satna (MP)

AND

The Manager, Steel Authority of India Ltd., Rourkela Steel Plant, Raw Material Division, Ispat, Lime Stone quarries, Babupur, Satna (MP).

PRESIDED IN : By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Union : Shri B. S. Bisen, Advocate.

For Management : Shri R. C. Srivastava, Advocate.

INDUSTRY : Limestone quarry DISTRICT : Satna (MP).

AWARD

Dated, November 16, 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-29011/15/A 92-IR(Misc.) Dated 1-3-1994, for adjudication of the following industrial dispute :—

SCHEDULE

मांग संख्या 5 “क्या प्रबन्धक इस्पात लाहम स्टील अथॉरिटी बाबूपुर (म.प्र.) के प्रबन्धकों द्वारा श्रमिक सर्वश्री राम लाल हैल्पर, इन्वीसिंह छोटा, मनसुख लाल रामाधार, हीरालाल धनुका, श्री अनसुइयासिंह, श्री जसुना गोपाल, श्री राम रतन, छकौड़ी, रामदीन, दत्तमन सिंह भोलादीन, रामबहोर, बंजनाथ रामफल एवं मनबोधी के प्रस्तुत चिकित्सा परिरोध देयक भुगतान न करने की कार्यवाही न्यायोचित है। यदि नहीं तो संबंधित कर्मकार किस अनुरोध का हकदार है।”

मांग नं. 11-—

“क्या प्रबन्धतंत्र इस्पात लाइमस्टोन क्वरीज बाबूपुर, सतना (म.प्र.) के प्रबन्धकों द्वारा पीस रेटेड श्रमिकों को शासन द्वारा निर्धारित मजदूरी पर मंहगाई भत्ता एवं अतिरिक्त मंहगाई भत्ता का भुगतान न किये जाने की कार्यवाही न्यायोचित है। यदि नहीं तो संबंधित कर्मचारी किस अनुतोष का हकदार है।”

2. Statement of claim was not filed by the Union and several opportunities were granted to the parties to file the statement of claim and the documents etc. Parties have not appeared on several hearings.

3. Looking to the nature of the dispute, it appears that the parties are not interested in pursuing the dispute. As such no dispute award is passed. No order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली 2 जनवरी, 1996

का. आ. 175.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत इन्टरनेशनल एयरपोर्ट अथॉरिटी नई दिल्ली के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-95 को प्राप्त हुआ था

[संख्या एल 11012/15/94 आई आर विविध]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 2nd January, 1996

S.O. 175.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bharat International Airport Authority, I.C. Airport, New Delhi-110037 and their workmen, which was received by the Central Government on the 26-12-1995.

[No. L-11012/15/94-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 18/95

In the matter of dispute between :
Shri Surya Nath & others,
Indira Gandhi International Airport,
New Delhi-110037.

Versus

Airport Nideshak,
Bharat International Airport Authority,
Indira Gandhi International Airport,
New Delhi-110037.

APPEARANCES :

None for the workman.
Shri R. S. Dalal for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-11012/15/94-I.R. (Vividh) dated 18-1-95 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the Airport Director, International Airports Authority of India is justified in not regularising the services of 29 workmen as per the list enclosed and also non-payment of equal pay for equal work to these workmen. If not, to what relief these workmen are entitled ?”

2. Shri Ram Har Singh appeared on behave of the workman on 11-7-95. Thereafter the workman appeared in person. Claim was not filed on 11-7-95 or 31-8-95 and on 2-11-95. Nither the representative nor the workman appeared inspite of the case having been calld many times. No dispute exist between the parties as there is no statement of claim nor other pleading. A No dispute award is, therefore, given in this case.

2nd November, 1995.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 2 जनवरी, 1996

का. आ. 176.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विशाखापट्टनम पोर्ट ट्रस्ट विशाखापट्टनम के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण विशाखापट्टनम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

[संख्या एल-34011/11/88-डी-III(बी)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 2nd January, 1996

S.O. 176.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Vishakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Vishakhapatnam Port Trust, Vishakhapatnam-530035 and their workmen, which has received by the Central Government on the

[No. L-34011/11/83-D.III(B)]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, VISAKHAPATNAM

PRESENT :

Smt. G. Jaishree, B.Sc., LL.M., Chairman & Presiding Officer.

Thursday, the 14th day of December, 1995

I.T.I.D. No. 1/92 (Central)

BETWEEN

The General Secretary,
Port & Dock Employees Association,
Rama Padma Nilayam,
Door No. 14—25—32A (Upstairs),
Dandu Bazar, Maharani-peta Post,
Visakhapatnam-530002.

... Workman

AND

The Chairman,
Visakhapatnam Port Trust,
Visakhapatnam-530035.

... Management.

This dispute coming on for final hearing before me in the presence of the workman in person and the management in person, upon hearing the arguments of both sides the court passed the following :

AWARD

(1) In this case reference is made by the Government of India under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between the management of Visakhapatnam Port Trust, Visakhapatnam and their workmen. The dispute contained in the schedule of the reference is as follows :

"Whether the action of the management of Visakhapatnam Port Trust, Visakhapatnam in refusing to pay Hard Duty Allowance to the Electrical Staff and Electronic Technicians of Ore Handling Complex who are working on the Sea along with Marine Staff is justified. If not, to what relief the workmen concerned are entitled ?"

(2) Claim statement is filed by the workmen through the General Secretary, Port and Dock Employees Association. The substance of the claim is that the marine department workmen who are discharging their duties on the Tugs, Floating crafts, Dredgers and Launches etc. who carry workmen from one side to the other side of the canal and taking them to various parts on the sea for dredging the sea, to lighting buoys in the sea etc. and who are connected with the works of the deck side of the craft, are paid a special allowance called hard duty allowance, whereas the electrical staff and electronic technicians and others who are posted to work along with the marine workmen stated above, to provide repairs and rectifications of the electronic equipments of the crafts and who have to also attend navigational lights etc. are not paid this allowance even though the nature of work and the mode of discharging their duties, is very much hazardous when compared with the work of the marine workmen. It is pleaded that this electrical and electronic staff are also eligible and entitled to receive hard duty allowance stating that the marine workmen will only discharge their duty on the deck side of the floating craft whereas this staff discharge their duties on the floating crafts in maintaining their lights, electrical and electronic equipment by travelling on the sea in the floating craft along with the marine workmen and also on various parts on the sea to maintain certain equipment which are installed on the sea itself. Thus, it is pleaded that hard duty allowance may be directed to be paid to all the workmen who are working on the floating craft and at various spots where they have to go on sea and face rough weathers of the sea on par with Marine Staff.

(3) In the counter filed by the management, the claim is opposed stating that hard duty allowance is an allowance paid to the workers whose nature of duties are arduous and the Electricians and Electronic Technicians of Ore Handling Complex are not entitled for payment of Hard duty allowance at all as their nature of duties are different from that of floating crafts staff. Even with regard to the floating crafts staff it is stated that they are performing their duties attached to the post held by them, and they are posted to work on Dredgers, tugs and launches etc. to attend to the dredgers and maintenance of the equipment which falls within the scope of their work. In respect of electronic Technicians and electrician working in Marine Department they cannot be classified as employees performing arduous duty and hence cannot be paid hard duty allowance.

(4) On behalf of the workmen, WW1 and WW2 are examined and no exhibits are marked. WW1 is the secretary of the employees Union and WW2 is one of the workmen. On behalf of the management, the Asst. Executive Engineer in Mechanical department of Visakhapatnam Port Trust is examined as MW1. No documents are marked on either side.

(5) The points that arise for consideration are :

(1) Whether the electrical staff and electronic technicians of Ore Handling Complex who are working on the sea along with marine staff are entitled for payment of hard duty allowance ?

(2) To what relief are the workmen entitled ?

(6) The electrical staff and electronic technicians of Ore Handling Complex of Visakhapatnam Port Trust claim a special allowance called hard duty allowance from the management on the ground that they are working on the Sea along with marine staff and performing duties which are equally arduous as marine staff working on the dredgers, tugs, launches etc. on the sea. According to the evidence of MW-1 they are having electronic equipments on the creugers but they are having maintenance staff for this electronic equipment consisting of one Asst. Foreman, Electronic technician and one Khalasi and this staff is allocated to marine department. And so far as staff of electric department are concerned he says they are not paying any hard duty allowance to the staff as the duty performed by them are arduous and they are paying incentive on par with other staff working in Ore Handling Complex. And he further states that they work regularly on the land and only occasionally in the crafts on the sea whenever there is a complaint in these fields by crafts and vessels. He further deposes that the workmen in marine department are not getting incentive bonus which is paid to the workmen working in electrical, electronic and marine departments of Ore Handling Complex and the workmen in the marine department are required to work on the sea only, whereas the staff in the other departments including electrical and electronic staff work regularly on the land only and only occasionally on the sea whenever required. This witness is not cross-examined by the workman. The position as stated by MW1 is admitted by WW1 and WW2. WW1 in his cross-examination admits that out of the marine workers, those who are working on dredgers are paid hard duty allowance and he can give the designations of the persons working on the dredgers and he gives the four designations carrying hard work allowance as (1) Sartang, (2) Casassab, (3) Greaser and (4) Drivers of the dredger. Thus, he admits that only these four posts on the dredgers carry hard duty allowance. He further admits that on the dredgers there are staff on the deck side and also on the engine room side and persons who are working in the engine room are paid hard duty allowance and he does not know whether the hard duty allowance is not paid to the deck staff as the nature of their duty is not arduous. Thus, he does not deny the suggestion that the hard duty allowance is not paid to the deck staff of marine department and as the nature of their duty is not arduous. All this evidence shows that even in the marine department, all the employees who are required to work always on the sea only, are not paid this hard duty allowance but only certain categories on the dredgers as mentioned by WW1 are paid this allowance having regard to the risky and arduous nature of their duties.

(5) WW2 is examined to show that the nature or duties of electrical and electronic staff working in Ore Handling Complex is arduous and risky. He deposes that he is working as electrician Grade-I in Ore Handling Complex since 1990 and he repairs electrical equipments in Ore Handling Complex. He states that they are entrusted the work at time to attend Navigational Signal situated at other side of the shore of the Harbour (Nova Garden Area) and also to attend to the lighting system at the break water buoies, and they have to cross the harbour canal by launches. They take electrical equipment along with them in the launches to those places and to reach the buoies, they have to get into boats with the equipment and reach the work spot. The travelling in the launch to work at those places is a risky one. And they have to walk certain distance on stones to reach the buoies to repair the lights which are situated in the sea at break spots. Thus, his evidence is that though the work they do is risky and arduous, they are not paid hard duty allowance. But in cross-examination he admits that electrical maintenance section and electronic section are parts of mechanical department and Ore Handling Complex is also part of mechanical section and electrical maintenance section is in the control of Chief Mechanical Engineer. Thus,

the workman herein are part of mechanical department and their regular work is on land only WW1 admits that he used to go to work at the buoies two or three time minimum in a month. This statement shows that these workmen are rarely required to go on the sea to attend to electrical repairs. WW2 states in his cross-examination that they regularly go to Nava Gardens for work. Even assuming that they regularly go for this work, the same is not considered to be risky or arduous by the management. As discussed by me above the mere working on the sea always is not considered to be arduous by the management but the management has recognised only certain employees working on the sea on the dredgers etc. as performing arduous duties and paying them hard duty allowance. From the evidence of WW1 and WW2 I find that the electrical and electronic staff working in Ore Handling Complex claim this allowance only because they have to travel on launches on the sea occasionally or even regularly to attend to repairs etc. of electrical or electronic equipment on the sea. The travelling on the sea for the purpose of these repairs itself is not an arduous duty. The evidence of WW2 that they have to walk for certain distance on stones to reach the buoies to repair the lights is not regular as admitted by WW2 in his cross-examination. Thus, the work carried on by the workmen herein by travelling on the sea is not at all arduous. It is not established that the work done by these workmen is so arduous and risky in nature as that of certain categories of workmen like drivers of dredgers who are paid hard duty allowance and therefore they cannot claim this allowance on par with such employees. Further, WW1 states that the workman in marine department are not getting incentive bonus which is

paid to the workmen working in electrical, electronic and marine departments of Ore Handling Complex. Thus, it is evident that certain employees working on the sea whose duties are risky and arduous are paid hard duty allowance instead of incentive bonus and thus the management has acted reasonably in treating the employees performing arduous duties on the sea by paying them separate allowance in the place of incentive bonus and the other employees who are not so placed cannot have any grievance about the same and cannot place themselves on an equal footing with such employees in claiming hard duty allowance.

(6) For all the said reasons, I come to the conclusion that the action of the management in refusing to pay hard duty allowance to the electrical staff, electronic technicians of Ore Handling Complex who are working on the sea along with marine staff, is justified.

(7) Point No. 2.—In view of my findings on point No. 1 above, the workmen herein are not entitled to any relief.

(8) In view of my findings on point No. 1, and 2, above, the reference is answered accordingly and nil award is passed. Dictated to steno transcribed by her given under my hand and seal of the court this the 14th day of December, 1995.

SMT. G. JAISHREE, Chairman & Presiding Officer.

APPENDIX OF EVIDENCE IN T.T.D. No. 1/92(c)

WITNESSES EXAMINED

For Workman :

WW1—K. Paradehi Naidu For Management.

WW2 —L. Appa Rao.

MW1—K. Bheema Rao.

DOCUMENTS MARKED

For Workman—Nil.

For Management—Nil.

नई दिल्ली, 2 जनवरी, 1996

का. आ. 177.—औद्योगिक विवाद अधिनियम 1947 (1947 का 11) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स आर.एस. मिनेरल्स वर्क्स, मैहर के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-95 को प्राप्त हुआ था।

[संख्या एल. 29012/45/93-आई आर (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 2nd January, 1996

S.O. 177.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s R. S. Minerals works, Maihar, Distt. Satna (M.P.) and their workmen, which has received by the Central Government on the 26-12-95.

[No. L-29012/45/93-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT.

JABALPUR (M.P.)

CASE REF. NO. CGIT/LC(R)(152)/1994

BETWEEN

M/s. R. S. Minerals and Chemicals Works,
Maihar, Distt. Satna (M.P.)

AND

Shri Motilal C/o Shri R. D. Nigam, General
Secretary, Chhona Mazdoor Sangh,
Distt. Satna (M.P.)

PRESIDED IN :

By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman : None.

For Management : Shri R. L. Sehgal.

INDUSTRY : Minerals DISTRICT : Satna(MP)

AWARD

Dated, November 16, 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-29012/45/93-IR (Vividh) dated 13-9-1994, for adjudication of the following industrial dispute :—

SCHEDULE

“क्या प्रबन्धतंत्र मैसर्स आर.एस. मिनेरल्स एण्ड कैमिकल्स वर्क्स, मैहर जिला सतना (म.प्र.) के प्रबन्धकों द्वारा श्री मोतीलाल रिकार्ड कीपर की सेवाएं दिनांक 8-9-92 से समाप्त किये जाने की कार्यवाही न्यायोचित है। यदि नहीं, तो संबंधित कर्मकार किस अनुतोष का हकदार है।”

2. Notices were sent for filing of statement of claim to the parties and on 18-10-1994 management's representative appeared but none appeared for the workman. Thereafter repeated notices were sent to the workman for filing the statement of claim, but neither the workman appeared nor the statement of claim was filed. Management's representative remained present on most of the hearings and ultimately none appeared for both the parties. It is appears that the parties are not interested in pursuing the dispute. No dispute award is hereby passed. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 2 जनवरी, 1996

का.आ. 178.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टील अथारिटी आफ इण्डिया लि., कनकता और इस्पात लाइम स्टोन क्वारी बाबपुरा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-95 को प्राप्त हुआ था।

[संख्या एल-29011/29/92-आई आर (विविध)]

बी० एम० डेविड, डेस्क अधिकारी

New Delhi, the 2nd January, 1996

S.O. 178.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of SAIL, Calcutta and Ispat Time Stone Quarry Babupur, and their workmen, which has received by the Central Government on the 21-12-95.

[No. L-29011/29/92-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR(MP)

CASE REF. NO. CGIT/LC(R)(235)/1993

BETWEEN

Shri C. S. Tiwari, General Secretary, Hindustan Steel Lime Stone Mazdoor Union, 79/10, Krishna Nagar, Satna (MP).

AND

The Executive Director, Steel authority of India Ltd., Raw Material Division 6th & 7th Floor, Industries House, Camac Street, Calcutta & Manager, Ispat Lime Stone Quarry, Babupur, Satna(MP).

PRESIDED IN :

By Shri Arvind Kumar Awasthy.

APPEARANCE :

For Workman : Shri Bisen, Advocate.

For Management : Shri R. C. Sriyastava, Advocate.

INDUSTRY : Stone Quarry. DISTRICT
Satna (MP)

AWARD

Dated : November 16, 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-29011/29/92-IR(M) Dated 1-11-1993, for adjudication of the following industrial dispute:—

SCHEDULE

“क्षेत्र प्रबन्धनत्व इस्पात लाइम क्वारीज बाबूपुर सतना (म. प्र.) के प्रबन्धकों द्वारा हिन्दुस्तान स्टील

लाइम स्टील मजदूर यूनियन सतना के पदाधिकारियों/प्रतिनिधियों की समझौता कार्यवाही में एवं न्यायालय में चल रहे प्रकरणों में उपस्थिति हेतु “इयूटी लीव” एवं यात्रा भत्ता न दिए जाने की कार्यवाही न्यायोचित है। यदि नहीं, तो सम्बन्धित कर्मकार किस अनुत्तरे के हकदार हैं।”

2. Workman and the management appeared on several hearings, but the workman has not filed the statement of claim. Ultimately on several hearings none appeared for the parties. The dispute in regarding the duty leave and the travelling allowance to the leaders of the Union appearing before the Tribunal to represent the case. Prima facie, there appears no force in the contention of the Union. However, in view of the fact that the statement of claim has not been filed and neither anybody appearing for the Union, it is clear that the Union is not interested in pursuing the dispute. No dispute award is passed. No order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 9 जनवरी, 1996

का.प्र. 179:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बम्बई पोर्ट ट्रस्ट, मुम्बई के प्रबन्धनत्व के संबद्ध निरीक्षकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, व श्रम न्यायालय स. 2 मुम्बई के पंचम को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-1-96 को प्राप्त हुआ था।

[पंजा नं. 31012/42/92 आई. प्रार (विवाद)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 9th January, 1996

S.O. 179.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Cum Labour Court No. 2, Bombay, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bombay Port Trust, Mumbai and their workmen, which was received by the Central Government on the 5-1-96.

[No. L-31012/42/92-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer

Reference No. CGIT-2/68 of 1993

BETWEEN

Employers in relation to the Management of Bombay Port Trust.

AND

Their Workmen

APPEARANCE :

For the Employer.—Mr. C. D. Nargolkar Advocate.

For the Workmen.—Mr. S. R. Wagh, Advocate.

Bombay, dated 20th December, 1995

AWARD

The Government of India, Ministry of Labour by its order No. L-31012/42/92-IR (Misc.) dtd. 6-9-93 had referred to the following Industrial Disputes for adjudication :—

"Whether the action of the management of the Bombay Port Trust, Bombay in removing from service of Shri Prabhakar Murlidhar Ramraje, Fitter by an order No. CME/EMD/11695 of 9-8-84 is just, proper and legal? If not to what relief is the workman entitled to?"

2. The workman Prabhakar Murlidhar Ramraje pleaded that he was in employment of the B.P.T. as the fitter, Crane and Dock machinery establishment Indira Dock from 1-9-79 to 9-8-84. It is averred that after holding the departmental enquiry as per the B.P.T. rules he was removed from service on 9-8-84.

3. The workman contended that he accepted the charges on the suggestion of the union that the charges were dropped if he accepts the guilt. He further submitted that the office bearer of the union informed him so only because the management gave assurance to that effect.

4. The workman pleaded that he himself did not change the contents of the school leaving certificate on which he could get the employment. It is submitted that on inquiry his father told him that it might have been changed by the friends. It is averred that he is a Hindu-Mahar by caste and the employment was reserved for that category. He nor his parent never relinquished their caste and adorned Buddha, community. There are several documents which proves this fact. Under such circumstances it is submitted that the action of the management of removing him from service is not just, legal and proper. He therefore prayed for reinstatement in service with continuity along with full back wages and other reliefs.

5. The management resisted the claim by the written statement Ex-3'. It is averred that the workman was appointed against the reserved vacancy for the scheduled caste. At the time of appointment the workman produced the School Leaving Certificate issued by C. L. Boys High School, Dadar showing his caste "Hindu-Mahar" which is recognized as scheduled castes. It is pleaded that his appointment was made on the strength of the said school leaving certificate. The workman was recommended by the Employment Exchange Office, Bombay.

6. After selection as per the procedure the employment verification reference was made to the school authorities of the workman for ascertaining genuineness of the school Leaving Certificate produced by the workman by management's letter dtd. 19-8-88. It came to know from the concerned authorities that there are many irregularities in the school leaving certificate submitted by the worker. The most important was regarding the caste. It being the major misconduct the workman was chargesheeted under the B.P.T. conduct and discipline rules. After due inquiry the workman was found guilty of the said charges. The workman himself admitted these charges by his letter dtd.

4-6-81. He had mentioned there that on his friend's advice he changed the school leaving certificate. In the said letter he also requested the management to consider his case sympathetically.

7. In the enquiry also the workman pleaded guilty to the factual aspect of the chargesheet and gave the voluntary statement through his defence representative Mr. Shanbhag. After considering the whole matter order of removal was passed on 9-8-84. He preferred the appeal against the said order which was also rejected.

8. The management pleaded that the worker came before the Tribunal with entirely new story. They denied the contentions taken by the worker in his statement of claim. It is denied that the representative of the worker in department inquiry advises him to plead guilty. It is submitted that under such circumstances there is no merit in the case and the reference may be answered in favour of the management.

9. The Issues that fall for my consideration and my findings there on are as follows :—

Issues	Findings
1. Whether the domestic inquiry held against the workman was against the principles of Natural Justice?	No
2. Whether the action of the mgt. in removing from service the worker is just, proper and legal?	Yes
3. If not to what relief is the workman entitled to?	Does not survive.

REASONS

10. Prabhakar Murlidhar Ramraje (Ex-6) affirmed that he was born as Hindu-Mahar which is a scheduled caste. He never converted to Buddha religion. He further affirmed that his parents, sisters, brothers belong to Hindu-Mahar caste. His father who is in service of B.P.T. has the record to show that he is Hindu Mahar.

11. It is not in dispute that the workman got employment in vacancy purely reserved for scheduled caste. It is not in dispute that the workman produced the school leaving certificate (Ex-4/3). In the said certificate his race and caste was shown as Hindu-Mahar. According to Ramraje the said certificate was in possession of his father which he produced. He affirmed that he had not made charges in the said certificate but he does not know who recorded his caste as Buddha when he was admitted to the school. According to him the change in the certificate might have been made by his father's friend.

12. The worker affirmed that he narrated the story of the change in school leaving certificate to Shanbhag the Secretary of the Union who was handling his case. According to him Shanbhag told him that if he admits the guilt he will be in a position to convince the concerned B.P.T. officers and the chargesheet will be withdrawn. On his assurance he admitted those charges. To substantiate this he should have examined Shanbhag as his witness but he had not done so. In the reply to the chargesheet the workman had admitted the guilt of the said charge (Ex-4/2). It does not speak regarding the suggestion of the Secretary of the Union to admit the guilt. It can be further seen that on its basis if the charges were not dropped, in that case the worker would have defended his case before the enquiry officer. But he had chosen to admit the guilt again. I therefore find that the theory which the workman had put forward is quite unbelievable.

13. It is not in dispute that the school leaving certificate which was produced by the worker shows his caste as Hindu-Mahar but infact in the school register his race and caste is shown as Buddha. It is therefore, the departmental inquiry was initiated against him. He was found guilty. I do not find any irregularity committed by the inquiry officer which can be said to be against the principles of Natural Justice.

14. The workmen could get the post as he was shown as Hindu-Mahar the community in the Scheduled caste. As he was shown as Buddha he cannot be said to be a person from schedule caste. The result is that he is not eligible to get the said post. It is tried to argue on behalf of the worker that his parents are Hindu-Mahar. His sisters and brothers are Hindu-Mahar. In such a case this reference may be treated as a mercy petition and he may be granted the relief which he prayed for. I am no inclined to accept this submission. All the pleas which he had taken in the present matter could have been taken by him before the inquiry officer. This is all after thought. I do not find any reason to accept it. When I have come to the conclusion that the enquiry which was held against the workmen was just and proper the scope is very limited. It is to be seen whether the findings are perverse but that is not the case of the worker also. It is to be seen whether the punishment imposed is disproportionate to the charges proved? That also cannot be said to be correct in this matter because the post which the worker could get was reserved for the scheduled caste. If he would not have shown of that category then he would not have selected for the same. The result is that as he is found guilty of giving a false certificate he is liable to be removed from the service. I therefore find that the action of the management is just and proper. In the result I pass the following order :

ORDER

1. The action of the management of the BPT, Bombay in removing from service as Shri Prabhakar Murlidhar Ramraie. Pitter by the order No. CNE/EDM/11695 of 9-8-84 is just, legal and proper.
2. No order as to costs.

S. B. PANSE, Presiding Officer

नई दिल्ली, 2 जनवरी, 1996

का.आ.180.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैन्ट्रल बैंक आफ इंडिया के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुरोध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकारण नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-95 को प्राप्त हुआ था।

[संख्या एल 12012/445/89 डी II ए आई आर बी-2]

ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 2nd January, 1996

S.O. 180.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to

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the management of Central Bank of India and their workmen, which was received by the Central Government on 26-12-95.

[No. L-12012/445/89 DIA/IR(B-ID)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVT. INDUSTRIAL TRIBUNAL : NEW DELHI

I.D. No. 45/90

In the matter of dispute between :

Shri Vijender Kumar s/o Shri Ram Parkash,
Village/Post Bambarpari, Gaziabad.

Versus

The Assistant General Manager, Central Bank of India, Zonal Office Link House, Bahadurshah Zafar Marg, New Delhi.

APPEARANCES :

Workman in person with Sh. H. C. Chaturvedi

Shri D. D. Kapoor for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/445/89-D.2A dated 8-4-90 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of the Central Bank of India in terminating the services of Shri Vijendar Kumar is justified? If not to what relief the workman is entitled to?”

2. The case was at the stage of filing of documents when the parties sought adjournment for settlement. The joint application was filed by the parties and they also made statement in the court that the matter has since been settled vide settlement dated 6-11-95. In view of this situation no dispute exists between the parties. No dispute award is given in this case. The settlement filed in this case shall form part of this award.

6th November, 1995.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 2 जनवरी, 1996

का. ग्रा. 181.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1/1/96 को प्राप्त हुआ था।

[सं एल-41012/156/93—आई आर बी आई]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 2nd January, 1996

S.O. 181.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on the 1-1-96.

[No. L-41012/156/93-IRBI]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. ID 31/95

Ram Sumer.....Applicant.

Vs.

Divisional Railway, Manager, Northern Railway, Ambala Cantt.

For the workman : B. R. Prabhakar.

For the management : Shri N. K. Zakhmi.

AWARD

In exercise of the powers conferred by clause 'D' of sub-Section 1 of Section 10 of the Industrial Disputes Act 1947, (for short called as the Act), the Central Government vide letter bearing No. 41012/156/93-IR(B) dated 3rd May 1995 referred the following dispute between the workman Ram Sumer and management of Northern Railway to this Court for adjudication :—

"Whether the action of the management in terminating the services of Shri Ram Sumer, on finding him unfit in B-category after medical examination and not offering employment in any other category is justified? If not, to what relief is the workmen entitled?"

On receipt of the notice workman appeared through B.R. Prabhakar and the management appeared through Shri N. K. Zakhmi. The case was adjourned several times for filling of claim statement. The workman however did not turn up. Ultimately the representative of the workman, has made the statement that the workman is not responding despite repeated letters and personal reminders and, therefore, he is not in a position to file any claim on his behalf or lead any evidence thereof. On the basis of the statement, learned representative of the workman closed the evidence of the workman. Rep. of the management also closed its evidence.

Since there is no evidence to substantiate the allegation as made by the workman before the appropriate Govt. necessitating the raising of the present reference. I have no option but to answer the reference against the workman. In order accordingly appropriate Govt. be informed.

Chandigarh
Camp at Ambala
28-11-1995

S. R. BANSAL, Presiding Officer

नई दिल्ली, 2 जनवरी, 1996

का. ग्रा. 182.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1/1/96 को प्राप्त हुआ था।

[सं एल-41011/47/89—आई आर बी आई]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 2nd January, 1996

S.O. 182.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on the 1-1-96.

[No. L-41011/47/89-IRBI]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR,
KANPUR

Industrial Dispute No. 190 of 1990

In the matter of dispute between :

Zonal Working President,
Uttar Rly, Karamchhari Union,
96/196, Roshan Bajaj Lane,
Ganeshganj, Lucknow.

AND

Dy. Chief Mechanical Engineer,
Carriage and Wagon Shop,
Northern Rly, Lucknow.

1. Central Government, Ministry of Labour, vide its notification No. L-41011/47/89 I.R.D.U. dt. 22-8-90, has referred the following dispute for adjudication to this Tribunal—

"Whether the Dy. CME, C&W Shop, Northern Railway Lucknow was justified in not granting the scale of Rs. 260-400 to S/Sri Gaya Prasad and 17 others w.e.f. 1-8-78 in pursuance of Railway Board's letter No. 561-1/05-32/1016 (Btw) dt. 7-12-82 and also consequential benefits. If not, what relief the workmen are entitled to?"

2. As is obvious from above in this reference there is mention of Gaya Prasad and 17 others but the name of

17 others have not been given out. Clarification was sought from Ministry, but no reply was received. It appears that those 17 others also did not approached this court. Claim statement has been filed on behalf of only Gaya Prasad. Hence, reference will be answered in respect of Gaya Prasad alone.

3. In his claim statement Gaya Prasad has alleged that he was initially appointed as Khalasi on 1-11-75. From 24-8-79 he was promoted as lifter which fall in unskilled category. Subsequently by Railway Board's letter no. 561-1/05-32/1016 (Eliw) dt. 7-12-82 all unskilled workers were categorised as skilled in the pay scale of 260-400. Hence the concerned workman too became entitled for the above grade as a lifter but the opposite party C&W Department of Lucknow was failed to give this grade to him illegally. Hence he is entitled for this grade from 1-8-78 in terms of above mentioned railway board's letter.

4. The opposite party has filed reply in which the case of the concerned workman regarding his appointment and promotion from 24-8-79 is admitted. However, denial of the grade in terms of railway board's letter dt. 7-12-82 is justified on the ground that is this Lifter was not covered by this notification. Subsequently on the representation of later their category was also included and grade was given.

5. The concerned workman has filed reply in which nothing fresh has been said.

6. The only point which needs consideration is whether Lifter was covered by category of unskilled workers to whom benefit of Railway Board's letter dt. 7-12-82 has been extended. There is hardly any need for any evidence except reference letter dt. 7-12-82. The railway have filed its extract which is Ext. M-1 whereas workman has also filed its copy. I have compared both the two and find that Ext. M-1 filed by opposite party is not complete. The copy of railway board's letter dt. 7-12-82 would go to show that lifter book man at serial no. 34 have been mentioned. They belong to semiskilled category and have been given benefit of skilled worker by the above mentioned circular. When the contention of the advocate of the opposite party was drawn to this entry his reply was that Lifter Hook Man is distinct from lifter. I do not agree with this explanation. There appears to be some confusion in the mind of the opposite party in drawing a distinction between lifter and Lifter Hookman as their job is almost identical. I see no reason as to why Railway Board would have intended to exclude Lifter from this category specially when this benefit was extended to them subsequently on representation made by them.

7. Hence, my finding is that the case of the concerned workman is covered by above mentioned railway board's letter and he was entitled for grade of skilled worker from the date of his promotion viz. 1979 and he will be entitled for difference of wages on the above basis in terms of above mentioned letter of railway board. Workman shall also be entitled for costs as Rs. 100/-

8. Reference is answered accordingly.
21-12-95

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली 2 जनवरी, 1996

का. मा. 183. --औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार भारतीय रिजर्व बैंक के प्रबन्धकों के संवर्द्धनियों और उनके कर्मचारियों के बीच, अनुसूचन में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 1/1/96 को प्राप्त हुआ था।

[संख्या एन-12012/38/88--आइ.ए.ए.ओ. आर.]

पी. जे. माईकल, डेस्क अधिकारी

57 GI/96-8

New Delhi, the 2nd January, 1996

S.O. 183.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of RBI and their workmen, which was received by the Central Government on 1-1-1996.

[No. I-12012/38/88-IR (B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA RESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 203 of 1990

In the matter of dispute :

BETWEEN

The General Secretary,
Reserve Bank Workers Organisation,
37/19-C The Mall
Opposite Reserve Bank of India,
Kanpur.

AND

The Manager Reserve Bank of India,
The Mall Kanpur.

AWARD

1. Central Government, Ministry of Labour, vide its Notification No. I-12012/38/88-D.IV (A)/IR (B-III) dated 25-9-90 has referred the following dispute for adjudication to this Tribunal--

Whether the action of the Reserve Bank of India, Kanpur in adopting different set of formulae in the matter of Pay Fixation of workman thus resulting in drawal of less pay by Sri Bechan Singh, Clerk Gr. II/Coin Note Examiner Gr. II vis-a-vis his juniors in the grade viz. Sri Y. K. Shukla and Sri C. K. Sharma is justified? If not, to what relief the workman is entitled to and from which date?

2. The concerned workman Bechan Singh in his claim statement has alleged that he was taken as class IV employee by the opposite party Reserve Bank of India on 3-1-72 at Kanpur. He was confirmed on 17-4-74. He was promoted in class III cadre on 1-7-80 and was confirmed on 1-8-82. Subsequent to the appointment of concerned workman Chandra Kishore and Yugal Kishore Shukla were given appointment in class IV cadre and were also promoted and confirmed subsequent to concerned workman in class III. Still the management has fixed the pay of concerned workman in class III cadre less than that of the above two persons. Hence, he is entitled for parity of pay with the above mentioned two persons.

3. The opposite party has filed reply in which it has been alleged that the concerned workman was recruited as Mazdoor where as the two other persons were recruited as peon. Their status and cadre is different as they were taken in class III cadre. Further on promotion their pay became obviously different. In this way there has been no discrimination and question of parity does not arise. In the end it is alleged that the concerned workman after subsequent wage revision was granted parity w.e.f. November 1987 and a sum of Rs. 5351.50 paise has been paid as arrears.

4. The concerned workman was afforded repeated opportunities to prove his case but no evidence was adduced. On this basis the management also did not adduce any evidence. It was for the concerned workman to prove that the initial status was equal to that of Chandra Kishore and Yugal Kishore Shukla and on that basis alone parity in pay can be claimed alone.

5. Since the concerned workman has failed to prove it, my award is that the action of the management in denying the concerned workman equal pay to that of Y. K. Shukla and C. K. Sharma was justified and he would not be entitled for any relief.

6. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 2 जनवरी 1996

का.प्रा. 184 :—औद्योगिक विवाद अधिनियम, 1947 (1917 का 14) की धारा 17 के अनुसूची में, केन्द्रीय सरकार स्टेट बैंक आफ पटियाला के प्रबन्धन के सम्बन्धितों और उनके कामगारों के बीच, अनुसूची में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक विवाद अधिनियम के पृथक् का प्रकाशन करती है, जो केन्द्रीय सरकार को 1-1-96 का प्राप्त हुआ था।

[संख्या एन-12012/239/90-आईआरबीआई]

पी. जे. माइकल, ईरक अधिकारी

New Delhi, the 2nd January, 1996

S.O. 184.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Patiala and their workman, which was received by the Central Government on 1-1-1996.

[No. J-12012/239/90-IRBI]

P. J. MICHAEL, Desk Officer

ANNEXURE

IN THE COURT OF SHRI S. R. BANSAL, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT, CHANDIGARH

I.D. No. 50/1991

Surinder Kumar,

Workman

Versus

State Bank of Patiala through General Manager, State Bank of Patiala, The Mall, Patiala, ... Management

PRESENT :

1. Shri S. P. Sharma, representative for workman.
2. Shri N. K. Zakhmi, representative for the Management.

AWARD

The Central Government vide Notification No. L-12012/239/90-IR(B.3) dated 8-5-1991, in exercise of the powers vested in it under Section 10(1)(d) of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication :—

"Whether the action of the Management of the State Bank of Patiala in relation to their Railway Road Branch at Karnal in terminating the services of Shri Surinder Kumar, Sub Staff with effect from 4-3-1986 is just, fair and legal? If not, to what relief the workman concerned is entitled to and for what date?"

On receipt of the above-said reference from the Central Government, notice was sent to the parties, as a result of which, the workman appeared and filed his statement of claim dated 26-6-1991. The respondent Management filed their written statement to the statement of claim and thereafter the workman also filed a replication to the written statement.

In his claim statement, the workman alleged that he was employed as a Peon-cum-Farash by an oral order with effect from 14-1-1985 at Sangoha (Karnal) and thereafter after a break of three days he was again employed as Peon-cum-Farash at the same Branch with effect from 15-3-1986. According to him, he worked as such in the said Branch upto 12-4-1985 wherein his services were terminated by the Respondent-Management. He further asserted that he was again employed as Godown Chowkidar with effect from 16-10-1985 and he worked upto 3-3-1986 when his services were terminated by the Management. According to him, his sanction was upto 15-3-1986, but the Management terminated his services on 3-3-1986 before the expiry of his sanctioned tenure. As per his assertion, the Local Officers in the Bank on receipt of instructions from the Head Office terminated his services with a view to see that he did not complete 240 days service in the Bank. As per his claim statement his termination was illegal, and violative of the provisions of the Industrial Disputes Act, 1947. The respondent Management, in any case, maintained that the workman had not completed 240 days and thus, services have been terminated, as there was no work with the respondent-Management in the Bank for being performed by the workman after 3-3-1986.

With a view to enable the parties to lead their evidence, an opportunity was afforded both to the workman and the respondent-Management and the workman, thus, filed his affidavit, Exhibit W-1 dated 23-2-1993. The Respondent-Management also likewise affidavit of Shri Paramjit Singh, Deputy Manager, The State Bank of Patiala, Head Office, which is Exhibit M-1. Both the deponents of affidavits were also cross-examined by the opposite party.

In his affidavit Exhibit W-1, the workman deposed that his services had been terminated by the Management, inter-alia, on the following main grounds, besides others :—

- (i) the Management terminated his services in view of the instructions from the Head Office that services of all those temporary employees who had crossed 200 days may be terminated and they should not be allowed to complete 240 days;
- (ii) that reasonable and required opportunity was not afforded to him before termination of services;
- (iii) that he was employed against a permanent post and thus services could not be terminated;
- (iv) that he was not paid the required compensation nor the other provisions of the Industrial Disputes Act were complied with.

The workman tendered documents Exhibits W.2, W.3, W.4, W.5 and W.6 with a view to prove that his performance in the Bank during the period of his employment was quite satisfactory and that there was nothing adverse against him.

The respondent-Management in the affidavit, Exhibit M.1 of Shri Paramjit Singh, Deputy Manager, however, stated that the workman was engaged in the Bank from 14-1-85 to 11-3-1985, 15-3-1985 to 12-4-1985, and lastly from 17-10-85 to 3-3-1986. According to them, he used to be disengaged whenever his services were not required by the Bank. As per this affidavit of the Management, the engagement of the workman for day-to-day work was purely on temporary basis and he had not completed 240 days as per requirement of the law. It is further deposed in his affidavit that the workman was even given an opportunity, amongst others, in the year 1986 for permanent absorption as per Scheme of the Government of India, Ministry of Labour, New Delhi and applications were invited for all the ex-temporary employees through advertisement in the leading newspapers and Bank circulars. It is asserted that the workman had also applied for in response to the said advertisement of the Bank and he was even interviewed, but was not found fit for permanent absorption. According to the respondent-Management, since the workman had not completed 240 days, he has no claim, whatsoever, to stake with Respondent-Management Bank.

I have heard the representatives of the parties and have also gone through the record carefully. W.W.I Surinder Kumar Workman in his cross-examination has admitted his employment with the Bank from 14-1-1985 to 11-3-1985, 15-3-1985 to 12-4-1985 and 17-10-1985 to 3-3-1986. According to him, his employment was sanctioned upto 15-3-1986, but it was disengaged with effect from 3-3-1986. He has also admitted that he had not made any representation before sending the demand notice to the respondent-Management alleging that his termination from services was illegal. He has also admitted that in pursuance to the advertisement in 1991, he joined the Bank on fresh employment. From this admission on the part of the workman, in his cross-examination, it is clear that the workman had not worked for 240 days in the 12 months preceding to the date of his termination. According to the representative of the Management, the period for which the workman had worked comes hardly to 173 days. As brought on record, the Management terminated the services of the workman with effect from 3-3-1986 because there was no work thereafter in the Branch, which was required to be performed by him. Evidently, since the workman had not completed 240 days as per provisions of law, he cannot legally base his claim as alleged with the respondent Bank. There, thus, appears to nothing wrong in the action of the respondent-Management in termination of his services with effect from 14-3-1986. The alleged action of the respondent Management, thus, appears to just, fair and legal and the workman is not entitled to any relief. The reference of the Central Government shall stand answered accordingly and the appropriate Government be, thus, informed.

C. Pandigarth,

Dated, December 11, 1995.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 4 जनवरी, 1996

का. आ. 185.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबन्धन के संवद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-96 को प्राप्त हुआ था।

[संख्या एन-41012/43/94—आर्द्र आरबी आर्द्र]

पी०जे० मार्शल, डेस्क अधिकारी

New Delhi, the 4th January, 1996

S.O. 185.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government

Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway and the workmen, which was received by the Central Government on 3-1-1996.

[No. 1-41012/43/94-IRBI]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR
Industrial Dispute No. 69 of 1995

In the matter of dispute :

BETWEEN

The Zonal Working President,
Uttar Railway Karamchari Union,
96/196 Roshan Bajaj Lane,
Ganeshganj,
Lucknow

AND

The Divisional Railway Manager
Uttar Railway,
Hazratganj,
Lucknow,

AWARD

1. The Central Government, Ministry of Labour, New Delhi, vide its Notification No. 1-41012/43/94-IR B.1, dated 15-6-95, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Northern Railway, Lucknow in refusing to pay arrears of Salary in the scale of Rs. 1600—2660 w.e.f. 22-5-86 to 6-5-1988 to Shri K. K. Puri, the then Parcel Supervisor and treat him promoted as Chief Parcel Supervisor w.e.f. 9-2-1991 and pay him arrears in the scale of 2000—3200 from February, 1991 till he was actually promoted to the post is justified ? If not, to what relief is the workman entitled to ?

2. In the instant case despite issue of notice neither the workman appeared nor filed statement of claim. It thus appears that the concerned workman is not interested in prosecuting his claim.

3. Therefore, in view of above the reference is decided against the concerned workman for want of pleading and proof.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

